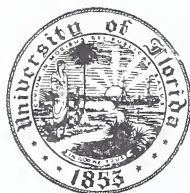




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NEW SERIES. VOL. V.

CONTAINING

THE HISTORY OF THE TOWNSHIP OF ARKHOLME
IN THE COUNTY OF LANCASTER.

Compiled by Colonel W. H. CHIPPINDALL.

SOME EWOOD DEEDS.

By THOMAS WOODCOCK.

THE HUNDRED OF LEYLAND IN LANCASHIRE.

By THOMAS CRUDDAS PORTEUS, M.A., B.D.

THE NARRATIVE OF THE INDICTMENT OF THE
TRAITORS OF WHALLEY AND CARTMELL.

By JOHN EYRE WINSTANLEY WALLIS, M.A.

THE HISTORY OF THE TOWNSHIP OF
ARKHOLME IN THE COUNTY OF LANCASTER

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OF THE
TOWNSHIP OF ARKHOLME
IN THE
COUNTY OF LANCASTER

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COLONEL W. H. CHIPPINDALL

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1931

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PREFACE

THE late William Farrer, Esq., D.Litt., whose early death must be lamented by all lovers of historical research, urged on me the necessity of local histories, and assisted me in the writing of my history of Gressingham by the loan of his extensive series of transcripts of documents in the Record Office in London. He pointed out that the *Victoria County History of Lancashire* was to be regarded as a base from which further explorations of each township might be made. In memory of his kind encouragement the present volume has been compiled.

By the friendship of the late Frank Pearson of Storrs Hall the author was enabled to go through the large collection of deeds relating to Arkholme which Mr. Francis Fenwick Pearson had made, and was thus able to obtain a large body of reliable documentary evidence about the various owners of lands in the township. William Smith Paget-Tomlinson, Esq., M.D., of the Biggins, Kirkby Lonsdale, and Major Joseph Gibson, D.S.O., most courteously assisted by lending their deeds relating to Snabb Green and Gunnerthwaite; and Mr. D. G. Hopewell of Caywood House in Arkholme helped with modern information. To all these gentlemen my thanks are due and are herewith tendered.

To Mr. Arthur William Chippindale, formerly of London, but now of Tunbridge Wells, my especial thanks are due for his great generosity in having the Arkholme and Gressingham wills, at Somerset House, searched at his own expense and for letting me have the abstracts.

Owing to the defective state of the early registers of the churches of Melling and Tunstall it has not been possible to record all the early members of the various local families; and though much of these registers has been printed for the seventeenth century, the eighteenth century has been dealt with in a

fragmentary manner. Hence it has not been possible to complete the pedigrees as one would have liked to do.

But notwithstanding this defect, the matter now recorded will, I trust, be found accurate on the whole, though mistakes of identity may have slipped in at a time when there were several persons bearing the same Christian and surname; for such mistakes I must ask for the forbearance of the reader.

W. H. CHIPPINDALL

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THE HISTORY OF THE TOWNSHIP OF ARKHOLME.

THE township of Arkholme, situated in Lonsdale about five miles south of Kirkby Lonsdale, has an area of 3018 acres, including 71 of inland water.¹ It is divided roughly into three parts by the main road from Lancaster to Kirkby Lonsdale and by the river; the portion eastward of the river up to the boundary of Melling township is flat, low-lying land, liable to be flooded, evidently the bottom of the lake formed in the glacial period by the Gressingham *moraine*. The other two parts are a long slope, descending from a high hill in the southern part of the township called Craggloot, with outlying spurs to the Keer stream on the north-west, the Lune on the south-east, and their tributaries on the north.

The principal road is that named above; it has a branch leading to Locka, Kitflow, Cinderhill and Gunnerthwaite running north-west from near to Storrs Hall. This branch road originally crossed the main road, and was continued through what is now the Storrs Hall Park, as the foundations of cottages which lined it are still visible as oblong mounds in the turf. When the shrubberies around Storrs Hall were being planted a paved road was dug into at this point as reported by Parker the old gamekeeper; this road was most probably a very old one leading down to the ford across the river Lune at Thrushbeck, whence it would proceed by Castlestead to Hornby, and is probably of Roman origin. As you proceed along the main road northward the next branch road is one which starts from the ford and ferry in the village of Arkholme, crosses the main road where the Inn stands, and leads in a north-westerly direction past Snab Green, then turning west, it joins a road in the Keer valley, coming from Borwick and leading to Docker.

The village of Arkholme, consisting of one street bordered by houses and cottages, is situated on the eastern arm of the cross-road last mentioned. The principal edifice is the church, which has been restored several times, and contains within the churchyard an artificial mound, shaped like an inverted flower-pot, which is similar in shape to the mounds at Halton and Melling, probably of Scandinavian structure. In the village the vicarage and Carus House are the principal houses.

¹ *V.C. Hist. Lancs*, VIII, 204, n. 1a.

There are also many picturesque houses of the seventeenth and eighteenth centuries with carved doorways bearing dates and initials which will be referred to under the heading of the various families.

The other houses scattered about the township are Gowan Hall, Storrs Hall, Locka, Kitlow, Cinderhill, Gunnerthwaite, Brown Edge, Docker Park, Snab Green, Craven View and Bainsbeck—each of which has some history attached to it.

A branch line of the London Midland and Scottish Railway runs through the northern part of the township with a station called Arkholme from which an omnibus used to run to Kirkby Lonsdale.

The township is governed by a parish council.

The principal occupation of the inhabitants is agriculture and stock-raising, there are the usual country crafts, and some basket-making is carried on.

Stock-raising appears to have been the principal occupation of the inhabitants down to the beginning of the fifteenth century; only the best land lying near the river was cultivated for oats for use in the households of the people; but not in sufficient quantities for their needs. This is shown by an inquiry conducted by order of the king in 18 Henry VI (1439-40) to ascertain why the town of Richmond could not pay its fee-farm rent of £40. The jurors reported that, of old, carriers of grain used to resort there from all the district in the adjoining counties, but that now they came not; as the people of Lancashire, Cumberland and Westmorland had of late years thrown into cultivation large tracts of their moors and wastes.¹

THE MANOR OF ARKHOLME.

At the date of the conquest of England by William, Duke of Normandy, in 1066, Arkholme formed a part of Earl Tostig's lordship of Whittington, and was then assessed as six carucates or ploughlands for the purpose of taxation.

In the redistribution of lands, by the Norman conqueror, it became a member of the lordship of Hornby, and has so continued to the present time; but of its early history little is on record beyond fragmentary notices in the records of which the following are all that the writer has been able to gather.

In the year 7 Richard I (1194-95) Andrew de Argun [Arkholme] renders account of half a mark because he withdrew [from prosecuting]. He paid 5s. and owes 20d. In the next year's roll he completed his payment of the 20d. In the pipe roll of 12 Hen. III (1227-28) Reginald de Ergun owes half a mark for disseisin.²

¹ Whitaker, *Hist. Richmond*, I, 96.

² Farrer, *Lancs. Pipe Rolls*, 90, 93, 268.

When the scutage of Gascony was levied, in 1242-43, we find the following names among the jurors, viz. Benedict de Hergun [Arkholme], Robert, son of Waltheve of Hergun ; Thomas, son of Alan of Hergun ; Gilbert, son of Ughtred of Hergun ; and Simon, son of Thomas of Hergun ; all names of men living at that date in the township of Arkholme and all using Christian names only.¹

On 20th October, 1246, an action for dower was brought by Tunoka, late wife of Roger de Erghum, against John de Erghum for a third part of two oxgangs (or bovates) of land in Erghum. The defendant said that Roger was never seised of the land. The verdict was for the defendant.

On the same date John, son of Adam de Erghum, appealed Hugh de Miriwa of robbery, etc.. John came not ; sureties John de Lethton and Alan de Dalton : accused absent, and not attached—John, son of Adam de Tunstall attached, in that he was in league with the said John, comes not ; attached by John Nuteman of Dalton and Robert del Heued of Dalton.

Wrongdoers unknown broke into the house of Robert, parson of Clacton [Claughton]. Robert comes not, and the jury witness that he is dead, but no essoin of death ; so sureties fined, Adam Gernet and John de Erghum. The vill of Clacton did not pursue, so fined.

Agnes, daughter of Roger de Erghum, appealed William, son of Swayn of rape. William is absent and was attached by Geoffrey de Clacton and William, son of Gerard de Clacton ; Agnes is told to proceed.

On 20th September, 1271, a suit of *novel disseisin* was brought by John de Burgh, junior, against John de Burgh, senior, and Walter de Rocheford *re* the manors of Melling and Horneby, etc., and lands there and in Wra, Wraton, Wenington, Erghum, Lochawe, Estrodes, Tunstall and Cancefeud. John de Burgh, senior, by his bailiff, for himself and Walter, says that no action lies : for Hubert de Burgh, his father, acquired the manors, etc., with one Margaret his wife, to hold to them and the heirs of their bodies ; and after the death of Hubert, Margaret held them all her life ; and after her death the said John entered as son and heir of Hubert, in right of inheritance and ever hitherto has held the manors, etc. ; and John de Burgh, junior, was never in seisin, so that he could not be disseised. And [the case ends abruptly].²

In 8 Edward I (1279-80) Geoffrey de Nevill, lord of the Honor of Hornby, obtained a charter for a fair in Ergum, and for free warren.

An inquisition *post mortem* on this Geoffrey de Nevill was taken on 25th April, 1285, and gives some idea of the value of this manor as the jurors say that the vill of Ergum renders £9 5s. a year.³ This

¹ Farrer, *Lancs. Inq. & Ext.* (Rec. Soc.), I, 155.

² *Lancs. Assize Rolls* (Rec. Soc.), pp. 50, 105, 106, 108, 124.

³ Farrer, *Lancs. Inq. & Ext.* (Rec. Soc.), I, 261.

amount is small when compared with the render recorded in the inquisition *post mortem* on Margaret de Nevill, widow of the aforementioned Geoffrey, taken on 4th April, 1319, when the jurors say that in the town of Erghum there are 23 messuages, 18½ oxgangs and 130 acres of arable land in the hand of divers free tenants [holding] in fee. Also 3 messuages, 1 oxgang and 32 acres of land in the hands of divers tenants [holding] for term of years. Which free tenants and tenants for term of years render yearly at the feasts of Pentecost and St. Martin £15 and 20d. by equal portions.¹ These payments work out at about 11d. an acre, so that the rents appear to have been raised from the ancient rate of 4d. an acre.

During the lifetime of this Lady Margaret Nevill a very interesting description, in Norman-French, was compiled of the boundary between her forest and that of Lonsdale. It starts from the river Keer, and practically follows the present boundary of the township of Arkholme as far as the river Lune, which it then descends to "Aubrespole," thence to Whitmore, thence to the head of Warnebeck, thence to Swainseat, thence to Stevenseat, and thence to Wolfholecragg (Brit. Mus. Lansd. MS., 559, fo. 59).² It will thus be seen that Cawood forest was part of a larger forest extending on both sides of the river Lune, and the Cawood part extended from the southern limits of Arkholme township northwards so as to include Storrs, Lockha, Cinderhill, Gunnerthwaite, Bainsbeck and Docker Park, which are all referred to in the Melling church registers and local wills as being in the forest of Cawood as late as the seventeenth century.

In the year 1292 several suits respecting tenements in Arkholme were tried (see *Vict. C. Hist. Lancs.* under Arkholme).

In this year William, son of Ranulph de Dacre, claimed certain woodland in Arkholme against Margery [Margaret], widow of Geoffrey de Nevill, alleging that his father had bought it.³ This was probably one of the causes which gave rise to the feud between the Dacres of Halton Hall and the Nevills of Hornby Castle; for we find that at the great inquisition of the whole country in 1350 Robert de Nevill, chivaler, is presented for having assembled "an immense multitude" of armed men and evil-doers at Hornby Castle, to "about the number of 30 men" . . . waylaying Thomas de Dacre, chivaler, with force and arms. And Thomas de Dacre, chivaler, was presented as having come, on 27th December 1349, with force and arms to Erghum, by night, with six evil-doers and assaulted Robert Gepson, servant to Robert de Nevill; also, on 2nd January, 1350, having broken into Hornby Park and killed two does, beaten the park keeper, Richard Webbestor, and threatened his life. William de Dacre, knight, by the procurement

¹ Farrer, *Lancs. Inq. & Ext.* (Rec. Soc.), II, 37.

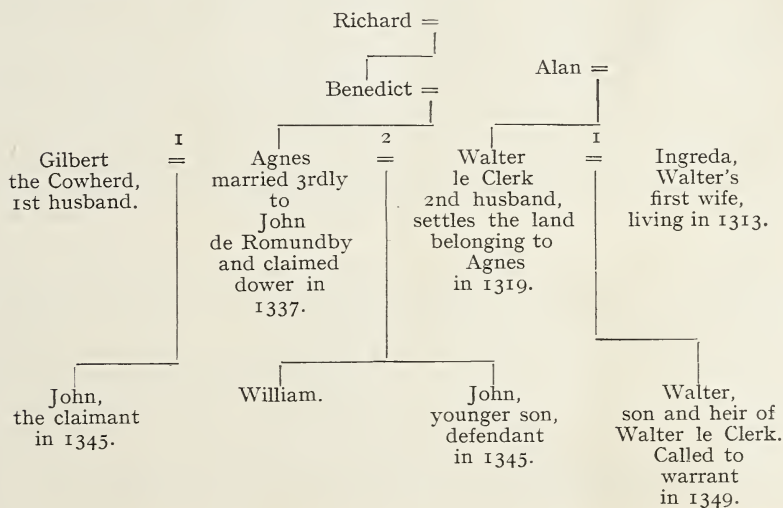
² From a copy kindly lent by Wm. Farrer, Esq., Litt.D.

³ *V.C.H. Lancs.*, VIII, 205.

of Thomas de Dacre, chivaler, also came to Hornby Castle with 20 men at arms and about 20 bowmen on Wednesday after the Epiphany in the twenty-third year (7th January, 1350) to the terror of the people. The Dacres were fined at the Assize in 1352 for these doings.¹

On 20th January, 1319, Walter le Clerk of Erghum and Agnes his wife settled two messuages, 1 oxgang and 13 acres of land and 3 acres of meadow, lying in Arkholme, on their two sons, thus: Walter and Agnes were to enjoy the premises for their lives and after the death of the survivor, John, a younger son was to have one messuage and one oxgang of land which, failing an heir, was then to go to his brother William; William was to have the other messuage and the 13 acres of land and 3 acres of meadow which if his heirs failed was to revert to his brother John.²

This settlement appears to have been the cause of a claim advanced in 1345 by John, son of Gilbert the cowherd in right of his mother, Agnes (daughter of Benedict, son of Richard de Arkholme) against John, son of Walter, son of Alan de Arkholme for four messuages and two oxgangs of land; and the plaintiff states that Agnes his mother had demised the land to Walter, son of Alan, whilst she was of unsound mind. The defendant in 1349 called Walter, son and heir of Walter, son of Alan de Arkholme, to warrant him.³ The relationship appears to be as follows:—



¹ Duchy of Lanc. Assize Rolls (Farrer MSS.), 434, m. 5, 443, m. 4.

² Farrer, *Lancs. Fines* (Lancs. & Chesh. Rec. Soc.), II, 32.

³ *V.C.H. Lancs.*, VIII, n. 10.

6 THE HISTORY OF THE TOWNSHIP OF ARKHOLME

The next record we meet is the Lay Subsidy in 1332 for the costs of the war in Scotland ; in it the names and amounts paid by certain Arkholme men appear as follows :—

Erghū [Arkholme] ¹ De Adam del Mire	xij. d.
„ Rico Page	xij. d.
„ Henr Tod	xvj. d.
„ Joh fil Henr	xvj. d.
„ Nicho del Storthes	xij. d.
„ Rob del Mire	ij. s.
„ Joh de Eskrige	xvj. d.
Sm ^a	ix. s. pb

It is worthy of notice that by this date surnames had become general, only one man in the above list was called after his father ; whilst in the previous list in 1242-43 all the men were called after their fathers, and the town from which they had come, so that we may conclude that the use of surnames began here towards the end of the thirteenth century.

The next interesting document is the inquisition *post mortem* on John de Nevill of Hornby, lord of the manor, held on 7th February, 1336. Walter de Erghum and Alan, son of Hugh de Erghum were on the jury, which stated that John de Nevill held in his demesne as of fee the town of Erghum of Henry, earl of Lancaster, as of the honor of Lancaster by knight's service . . . in Erghum there are 2½ oxgangs of land, which used to be demesne, and are now in the hands of tenants at will, each rendering yearly 12s. at Whitsuntide and Martinmas, sum 30s. ; a cottage rendering 2s. at the said terms ; a certain rent of £10 16s. 2d., which divers free tenants render yearly at the said terms ; a rent of 31s., which divers free tenants render yearly at the said terms ; in Cawode a close worth one year with another as in herbage 13s. 4d. ; all tenements are held of the earl, by homage and fealty, for all services.²

The total of this rental is £14 10s. 6d., of which £12 7s. 2d. is from free tenants, which shows that a very large amount of land had already passed into the possession of permanent owners.

At Liverpool, on 9th June, 1343, Alice, who was the wife of Adam del Mire of Erwhum [Arkholme] and Richard de Berwyk, son of the said Alice, were attached to answer to Robert del Mire of Erwhum, the younger, in a plea of assaulting him with force and arms, to wit, with swords, bows and arrows, at Erwhum, on Wednesday next after Holy Trinity 15 Edward III (6th June, 1341), and wounding him, etc. The jurors say that Richard committed the said trespass, and that Alice is

¹ Lancs. & Chesh. Rec. Soc., *Miscell.*, II, 97.

² *Lancs. Inq. & Ext.* (Lancs. & Chesh. Rec. Soc.), III, 39-41.

not guilty. Therefore it is considered that Robert should recover his damages. And Richard is committed to prison. Damages 40d.¹

At Preston, 1st October, 1352. The assize came to recognise if Walter, son of Walter, son of Alan de Erghum, disseised John Gronel of his free tenement in Erghum, to wit, of $1\frac{1}{2}$ acres of meadow. Walter does not appear. And he was attached by Adam de Erghum, etc.

The recognitors say that John was seised in fee until Walter unjustly, etc., disseised him. Damages one mark. Therefore it is considered that John should recover his seisin.²

At Preston on 27th September, 1353, John Gronell of Erghum and Matilda, his wife, brought their writ of *novel disseisin* against John, son of Robert de Faryngton and others, touching tenements in Pulton in Amoundernes; but did not prosecute their writ so were non-suited.³

The next document is a Final Concord on 8th August, 1384, Between William de Tunstall, plaintiff, and William de Austewyk of Erghum and Joan, his wife, deforciant of two messuages, one oxgang and 40 acres of land, and 6 acres of meadow in Erghum.

William de Austewyk and Joan acknowledge the said tenements to be the right of William de Tunstall, for which William de Tunstall granted them to William and Joan, for their lives, rendering a rose by the year at the Nativity of St. John the Baptist (24th June). After the decease of the said William and Joan the tenements to revert to William de Tunstall and his heirs for ever.⁴

In the above Fine we first meet with the name of Austwick in Arkholme; this name continued as Astwick and Astick until quite recent times, as will appear hereafter.

22nd March, 12 Ric. II (1389). Inquest at Lancaster finds that:— Thomas de Stockdale, on the day he was outlawed for transgressions, had goods in the vill of Ergham, 6 cows and 6 quies, each of value of 5s. od., and had a horse in the vill of Whittington worth 10s. od. and a cow worth 4s. od. (See Towneley's Abstracts of Lancs. Inq., *Chetham Soc.*, I, 34).

On 19th March, 1397, a Final Concord was made between Agnes, daughter of Thomas Henryson of Erghum, plaintiff, by Adam de Erghum, chaplain, guardian of the said Agnes, and Robert del Beck and Ellen, his wife, deforciant of a third part of a messuage and an oxgang of land in Erghum.

Robert and Ellen granted the said third part to Agnes and they remitted whatsoever they had in the said third part in dower of the said Ellen to Agnes and her heirs for ever. Agnes gave them 40s.⁵

On 14th September, 1459, Sir Thomas Harrington, knight, who was then lord of Hornby, and therefore of Arkholme, made his will before

¹ Duchy of Lanc. Assize Roll (Farrer MSS.), No. 430, m. 1.

² Ibid., 2nd year of Duke Hen., m. 1.

³ Ibid., No. 435, m. 22.

⁴ *Lancs. Fines* (Lancs. & Chesh. Rec. Soc.), III, 23.

⁵ Ibid., III, 52.

joining the Yorkist army, which was so completely defeated the next year at the battle of Wakefield in which battle he was so badly wounded that he died the next day. In this will the following relating to Arkholme occurs : " Item volo ut si Conventus de Ergham et Cawode inveniant presbiterum celebraturum in capella de Ergham, videlicet Johannem Girsyngham capellanum, tunc volo quod executores mei solvant vel solvi faciant predicto Johanni quinque nobilia quolibet anno pro sex annis proxime futuris, si vixerit."

From this we gather that there was no resident priest at Arkholme chapel, and that the testator desired that John Gressingham, the priest at Gressingham, should be invited to sing masses for the testator's soul at Arkholme.¹

The battle of Wakefield was not only fatal for Sir Thomas Harrington ; but his son and heir Sir John Harrington was slain in the battle, and left only two daughters coheirs to his extensive estates. These daughters were given into the guardianship of Lord Stanley, who married one to his younger son, Sir Edward Stanley, afterwards Lord Mouteagle, and the other to his nephew, John Stanley of Homford.

In the partition of the estates consequent on these marriages, the honor of Hornby, in which Arkholme was included, fell to Sir Edward Stanley and his wife.

On 4th April, 1519, a Final Concord was made between Anne Waashyngton, widow, and others (probably trustees), plaintiffs, and Thomas Waashyngton, deforciant, of a large amount of land in various townships, one of which was Arkholme. Thomas remitted all right to Anne and her heirs.²

Another Final Concord of 24th March, 1539, appears to refer to the same lands, and is between Richard Washington, esq., plaintiff, and John Cressner, esq., and Edward Bowlande, gent., deforciant, of a considerable amount of land in various townships of which one is Arkholme.³

After Sir Edward Stanley became possessed of the Honor of Hornby many attempts were made by the Harrington family to obtain parts of their ancient inheritance, and the following fine in which Sir Edward's son is plaintiff, appears to be about the last of such attempts.

Final Concord, 18th August, 1532, between Thomas Stanley, Lord Mouteagle, plaintiff, and John Swifte and Anne, his wife, one of the kinswomen and heirs of James Harrington, knight, and one of the kinswomen and heirs of John Harrington, knight, deforcients of a third part of the manors of Hornby, Melling, Arkholme, Cawode, Roburndale and Wray with their appurtenances, 40 messuages, 300 acres of land, 40 acres of meadow, 100 acres of wood, 1000 acres of pasture, 2000 acres of furze and heath, and £20 of rent in Hornby,

¹ *Test. Ebor.* (Surtees Soc.), II, 252.

² *Final Concords* (Lancs. & Chesh. Rec. Soc.), IV, 5.

³ *Ibid.*, IV, 23.

Melling, Arkholme, Cawood, Roburndale and Wray. John and Anne remitted the premises to Thomas, who gave them £100.¹

From this period downwards the Honor of Hornby has devolved in orderly manner to the descendants of the first Lord Mounteagle until the Commonwealth period, when a John Wildman bought it from that government and acted as lord of the manors of Hornby and Tatham; but at the restoration of Charles II in 1660 it returned to Lord Morley and Mounteagle, who sold it in 1663 to Robert Brudenell, afterwards Earl of Cardigan, whose grandson, George Brudenell, Earl of Cardigan, sold it in 1713 to Colonel Francis Charteris, of infamous memory, who, dying in 1732, left an only daughter, Janet, married to James, fourth Earl of Wemyss, who died in 1756. His son Francis, fifth Earl, assumed the name of Charteris, and in 1789 sold these manors to John Marsden, esquire, of Wennington Hall, who removed to Hornby Castle in 1794. On the death of Mr. John Marsden, unmarried, on 1st July, 1826, litigation ensued as to his capacity to make a will, and after many trials, which are celebrated in our legal annals, the cause of Tatham *v.* Wright was settled by a verdict that Rear-Admiral Sandford Tatham, as first cousin and heir-at-law of John Marsden, was the true owner of the Honor of Hornby. On the death of Admiral Tatham without issue in 1840 the estates passed under his will to his kinsman, Pudsay Dawson esquire. Mr. Dawson died in 1859, and was succeeded by his nephew, Captain Richard Pudsay Dawson, who, finding the property deeply mortgaged (the result of the long litigation), sold it to John Foster, esquire, of Queensbury, a wealthy manufacturer, whose descendant Cyril Foster, esquire, is the present owner.

Through all these changes Arkholme accompanied the Honor of Hornby.

LOCKA.

This farm is one of the most ancient tenements in Arkholme township, and is situated on the old road which, coming up from the ford below the Ayre, crossed the modern highway and went on towards the valley of the Keer; it has given rise to a family name, Lockey.

The earliest mention of the name is to be found in the records of the Wapentake of Lonesdale on 26th March, 1325, when William de Loghagh was fined 4d. because he did not prosecute against Roger son of William.² On 7th January, 1326, he and Thomas Gressingham were fined 6d. for unjust withholding of a debt against the Prior of Lancaster.³

On 20th May, 1346, an extent of the lands of the Duke of Lancaster

¹ *Final Concords* (Lancs. & Chesh. Rec. Soc.), IV, 17.

² *Lancs. Court Rolls* (Lancs. & Chesh. Rec. Soc.), p. 111.

³ *Ibid.*, p. 135.

was made, and William, son of William de Lokhagh, is one of eight tenants who pay 2s. 6d. at Michaelmas for cowmale on account of one carucate of land in Gressingham.¹ In the Minister's Account of 1348 this name appears again as Lokhawe.² On 6th June, 1349, William de Lokhagh was a juror on an inquisition *post mortem* on John de Doresflet at Whittington.³

At Preston on 30th May, 1352, John de Eskrig and Katherine de Lockhagh, by their attorney, demand against Agnes, late wife of Henry del Mire, one messuage and 20 acres of land in Melling in Lonesdale, as their right, by writ of formadon, etc. This suit is mentioned again on 1st October in the same year, when the Justices allow that Adam del Storthes or William de Lokagh shall sue for John and Katherine as they are under age.⁴

We have now to jump over a gap of 241 years before we hear of this tenement again, when on 31st January, 35 Eliz. [1593] we meet with a bond executed by William Barker of Cawood *alias* Lockey, husbandman, in £100, to Thomas Pierson of Halton, yeoman, the condition is the sale of Lockey farm to Pierson. Thomas Pierson, however, died before the contract was completed which his son, James Pierson, carried out on 27th February, 40 Elizabeth (1597-98) when William Barker "for a certain sum of money" paid by James Pierson, son of Thomas Pierson of Halton, yeoman, sells a messuage and tenement in Cawood *alias* Lockey, to be held of the chief lord of the fee, etc., rendering a rent of 13s. 4d. and services to Lord Mouteagle his heirs, etc.⁵

James Pierson, the new owner does not appear to have lived at Lockey, and soon parted with his new purchase as on 1st February, 1609-10 he executed a Deed Poll wherein he describes himself as of Lingham in the parish of Bentham, Co. York, yeoman, and for £110 paid by Adam Storrs of the Storrs yeoman, sells "that messuage and tenement in Cawood called Lockey of the yearly rent of 13s. 4d." to hold to Adam Storrs according to the custom of the manor of Hornby.⁶

Adam Storrs was duly admitted to this tenement, but the date of his admittance is illegible; but the tenement continued to be held by his descendants, and on 20th September, 1662, another Adam Storrs was admitted. During the ownership of the Storrs family tenants of the name of Harris appear to have rented it whose baptisms, burials and marriages appear in the Melling church registers from January, 1690-91, down to March, 1719-20 (see Harris family).

Adam Storrs, the last owner, having only two daughters, surviving him, made his will on 13th February, 1701-02, devising his freehold estate at Lockey called Hallbancks unto his eldest daughter, Anne

¹ *Lancs. Inq. & Ext.* (Lancs. & Chesh. Rec. Soc.), III, 139.

² *Ibid.*, p. 182.

³ *Ibid.*, p. 200.

⁴ Duchy of Lanc. Assize Roll, 2nd year, Duke Henry (Farrer MSS.), m. 3, m. 6d.

⁵ Storrs Hall Deeds, I, 6, 7.

⁶ *Ibid.*, I, 14.

Askew, for life, and then to her husband, Anthony Askew, of Kendal, his heirs, etc., for ever, on condition that he should pay the debts and legacies of the testator.¹ (See Storrs family of Storrs.)

Dr. Anthony Askew having become possessed of Locka in right of his wife as eldest daughter of Adam Storrs, obtained the enfranchisement of this tenement on 13th October, 1711, from George, Earl of Cardigan.²

Now Anne Storrs, the wife of Dr. Askew, was a widow when he married her; she had been previously married at Halton on 2nd March, 1684-85, to Charles Cawson, a merchant of Lancaster, by whom she had a son, John Cawson, who was educated at the University of Cambridge, and became a physician at Penrith. Dr. Askew had evidently some doubts as to whether he or this young man was the true heir to the customary lands under the manor of Hornby held by Adam Storrs, therefore, on the 13th November, 1722, he got John Cawson to execute a deed poll releasing all right which he might have in Lockey on the ground that Dr. Askew had educated him and paid his expenses at Cambridge.³

How this tenement devolved subsequently I have not been able to ascertain, but a Thomas Holme lived there in 1821,⁴ and in 1844 it had become the property of Mr. George Gifford when the tithe map and charge were made. It was afterwards sold to a Mr. Preston of Lancaster, who in turn sold it to Mr. Hayton, the present owner (1924).

KITLOW IN CAWOOD.

This farm is situated on the left-hand side of the same road, as the previous one, only further off from the main high-road. It is on an ancient site.

The earliest notice regarding it is in a deed poll amongst the Storrs Hall Deeds from which it is found that one Thomas Newpage of Kellet, Richard Burgh of Docker and Robert Walker of Torysholme within the vill of Erghum and Kydloo in Cawode, Co. Lancaster, granted to and enfeofed John del Myre in the lands and tenements they owned within the township of Erghum and Kydloo in Cawode on the feast of St. Gregory, pope in 7 Hen. V. (12 March, 1420), and that on 8th May, 1446, William Newpage of Wakefield, Co. York, son and heir of the said Thomas Newpage, late of Kellet, released all his right in the said lands and tenement to John del Myre. The land was held of the chief lord of the fee by the rent and services due and accustomed. Warranty.⁵

This property remained in the hands of the Myre family, who appear to have removed to Docker, as when we hear of it again in the reign of Queen Elizabeth a William Myers of Docker, gentleman,

¹ Storrs Hall Deeds, I, 90.

³ Ibid., I, 100.

⁴ Ibid., III, 124.

² Ibid., I, 91.

⁵ Ibid., I, 2.

sells by Indenture dated 6th September 42 Eliz. (1600) to John Widder of Kitlowe in Cawood, for £20, the messuage and tenement in Cawood called Kitlowe, at that time in the tenure of John Widder and of Christopher Widder his father, of the annual rent of 16s. To be holden of the chief lord of the fee, etc., Covenant, that William Myers and Grace his wife will make further assurance.¹

This William Myres and his wife, Grace, appear in the Whittington church burial register.

From the Widder (or Withers) family, this tenement passed to a William Storrs, a younger son of the Storrs of Storrs Hall family, as on 5th August, 1663, a license was granted by the Hornby Manor Court to William Storrs of Kitley in Cawood, yeoman, to mortgage Moor Close of the rent of 2s. 6d.²

On 1st August, 16 Chas. II (1664) a deed poll was executed by this William Storrs of Kitley in Cawood, and Jane, his wife, whereby they sell, for £140, to Adam Storrs of Storrs, their messuage and tenement at Kitlaw and the close called Callgarth lying in Archolme Intack (3 acres) altogether 20 acres. To be holden of the chief lord of the fee by the free rent of 7s. 10½d. and the services due, etc., Warranty.³

On 25th January, 1674-75 the widow, Jane Storrs, released her widow right to Adam Storrs for a payment of £14 and an annuity of £5 10s.⁴

On 1st February, 1675, Adam Storrs entered into a contract with Anthony Gibson of Melling, mason, to rebuild the farmhouse at Kitley.⁵ Adam Storrs was to provide all wood, iron, glass and roof-covering; but Anthony Gibson was to pull down the old house and barn and rebuild a house, barn and beasthouse for 16 head of cattle for the sum of £20.

This farm was bequeathed by Adam Storrs by his will dated 13th February, 1701-02, to his second daughter, Elizabeth Backhouse, for life with remainder to her two daughters, Isabel Backhouse and Jane Backhouse, their heirs, etc., for ever. And if either of them died before attaining 21 years of age the survivor was to take the whole.

How it devolved I have been unable to find; but when the tithe map was made in 1844 it is marked as having been owned by . . . Procter but "now" Mrs. Gregg.

GOWAN HALL IN CAWOOD.

Gowan Hall, situated on the east side of the main road from Halton to Whittington, and near to the south-eastern boundary of the township, was an ancient copyhold tenement held under the manor of Hornby. The house has the appearance of having been built early in

¹ Storrs Hall Deeds, I, 9.

³ Ibid., I, 71.

⁴ Ibid., I, 77.

² Ibid., I, 67.

⁵ Ibid., I, 78.

the seventeenth century, with subsequent additions. It still retains the narrow stone mullion-windows then in use. The land originally attached to this farm was small; but has been added to since the enfranchisement of the tenement.

The first tenant of whom a record has been found was one Christopher Mansergh, who on 6th March, 14 James I (1617), describes himself as of Gowan Hall in the forest of Cawood when purchasing another copyhold tenement in Storthes [Storrs] from Brian Waller of "Le Storthes" yeoman at a price of £120.¹

The next day (7th March) an indenture of defeasance was executed between Christopher Mansergh of Gowan Hall of one part and William Storthes of Preston [Patrick], clerk, Richard Storthes of Storthes, yeoman, Thomas Melling of Whittington, yeoman, and Thomas Green of Argholme, yeoman, of the other part, which witnessed that the second parties, were bound by a Statute Merchant of even date in £200, taken before Jervis Harries, gent., then mayor of Lancaster and Richard Walton, gent., clerk there, for taking recognisances of debt within the said borough, and that the Statute Merchant should be void if Christopher Mansergh and his heirs were left in quiet possession of his new purchase without being troubled by Henry Storthes or Ellin Storthes, widow of the late Adam Storthes.²

Christopher Mansergh was succeeded by his son, George Mansergh, who describes himself as of Hornby on 3 August, 1622, when he executed a deed poll selling his father's recent purchase, for £48 10s. od., to William Storrs (son of Adam Storrs, late of Le Storrs, yeoman, deceased), viz.: Le Netherfield, Le Hallryddinge, and a parcel called Le Well Meadow and his land in Le Holme, all lately purchased by his father Christopher Mansergh, deceased, from Brian Waller, late of the Storrs—copyhold of 10d. rent.³ A final concord completing this sale was passed at Lancaster on 26th August, 1622, between William Storrs and Henry Storrs, querants and George Mansergh and Anne, his wife, and Brian Waller and Frances, his wife, deforciantes who acknowledge the premises to be the right of William and Henry, who gave £80.⁴

George Mansergh thus obtained £128 10s. od. for what had cost his father £120.

George Mansergh died in 1636, as his inventory exists in the Richmond Archdeaconry, dated 21st July, 1636, wherein he is styled "gentleman"; his personal estate was £74 14s. 7d., with £191 13s. 6d. of money owing to him by people principally of Whittington and Kirkby Lonsdale; administration of his goods was granted to Rebecca Mansergh, but her relationship is not indicated.

How Gowan Hall passed from the Manserghs has not appeared; but by the year 1636 (in which George Mansergh died) a James Bell

¹ Storrs Hall Deeds, I, 19.

³ Ibid., I, 29.

² Ibid., I, 20.

⁴ Ibid., I, 30.

of Gowan Hall¹ appears in the Melling church register as burying a daughter, Margaret, on 17th January, 1636-37, when his wife's name is given as Ellen; she was buried at Melling on 2nd May, 1643, and the widower consoled himself with a second wife, Elizabeth, whom he also buried at Melling on 6th April, 1652. This James Bell appears to have retired to Hornby in his old age, as he was buried at Melling on 18th April, 1671, as of Hornby.

The son, also a James Bell, is first mentioned as of Gowan Hall in the same church registers, on 17th January, 1663-64, as baptising his daughter, Ellen, and his wife's name, Margaret, is given. He had a second daughter, Agnes, baptised at Melling on 19th November, 1665, and a son, James Bell, baptised there on 29th November, 1668; he was buried there on 4th March, 1678-79, and his will was proved in the Archdeaconry of Richmond in 1679.

This farm now passed into the hands of Thomas Dixon of Gowan Hall, who died in 1708, leaving a widow, Rebecca, and a large family, all under age. The widow remarried at Melling on 17th May, 1712, one Richard Fawcett, of Kirkby Lonsdale, and afterwards of Gowan Hall. He appears to have acquired the copyhold and then to have bought the fines, boons and services, due to the lord, which in 1711 George, Earl of Cardigan, the then lord of the manor, was offering to sell to his tenants so as to convert the old customary holdings into freeholds of inheritance. This appears from a deed of 25th March, 1717, by which Richard Fawcett and Rebecca his wife, daughter of Bryan Birkett of Borlands, covenant with James Eskrigg to levy a fine dealing with the Uses of their land, viz. to use of Richard Fawcett for life and then to his right heirs.

Richard and Rebecca Fawcett had an eldest son, James Fawcett, baptised at Gressingham on 19th July, 1713; by 1738 he had inherited this property, which was now a freehold, as on 2nd February, 1738-39, he raised £100 on a mortgage and finally sold it on 2nd February, 1747-48, to Samuel Dickonson for £195.

Dickonson only kept the property eleven years, as he sold it on 2nd February, 1758, to a John Edmondson for £250.

This John Edmondson, on 2nd February, 1759, executed a deed of gift of this property in favour of his nephew, Richard Mansergh; but the gift was not to be operative until the death of the donor and that of his wife, Sarah. Sarah Edmondson was buried at Gressingham on 10th March, 1765, and by 1769 the widower had married another wife, Elizabeth, whose name appears in a deed of 27th January, 1769. John Edmondson was buried at Gressingham on 6th January, 1780.

Richard Mansergh now became heir to the property under the

¹ There is an inner doorway at Gowan Hall which has a lintel of old carved oak bearing the date 1638, which is probably the date of re-edifying by James Bell.

deed of gift of 1759, and proceeded, on 11th November, 1780, to sell his inheritance to James Lamb, who lived at Gowan Hall until the year 1817, when his will was proved. He was succeeded by his son, another James Lamb, who in turn made his will on 7th March, 1854, by which he gave Gowan Hall to his sons, James and Joshua Lamb, when Joshua, the younger son, should have attained his twenty-first year, but charged with an annuity of £30 for his wife, Nancy. The testator died on 15th September, 1854, and his will was proved on 10th October, 1854. Joshua Lamb attained twenty-one years on 17th January, 1860.

On 8 February, 1866, the Lamb family sold the freehold estate of Gowan Hall to Francis Fenwick Pearson of Storrs Hall, esquire, and it remains now (1925) in the possession of his descendants.

STORRS HALL.

Though at Storrs there is now only the Hall with its dependent buildings, there was originally a hamlet in which several families dwelt. The houses, or rather cottages, were principally situated along an ancient road (now thrown into the park) which was a continuation of the road leading down from Lockha, across the Lancaster to Kirkby Lonsdale road, to the ford in the Lune just below the island at Thurshgill. This ancient road was probably of Roman origin, and starting from Hornby, came by Castledes, Thurshgill ford, Storrs, Lockha, and on by Gunnerthwaite and Browndge towards Dalton Houses and Clawthorpe, as various pieces of existing roads show when connected together on the map.

Besides the cottages referred to above (whose foundations may be seen to this day in Storrs Hall Park) there were others around the cross-roads; the last to be pulled down was situated in the south-west corner between the main road and the road to Lockha, where there is now a garden. This cottage had a lintel bearing the inscription:—

H.
R. C.
Nunc mei mox hujus
Sed postea nescio cujus.

This lintel was put into the gamekeeper's cottage, on the opposite side of the road, which was being repaired, and is to be seen there. In the same wall is a stone showing a deer, carved in relief, one of whose *hocks* is sculptured as a *knee*; it is said to have been carved by a young mason employed in the rebuilding of this cottage.

This hamlet was probably occupied originally by foresters employed in the surrounding forest of Cawood—a forest belonging to the owners of the Castle of Hornby and of great extent, judging by the description

of its boundary marching with that of the forest of Lonsdale (see before, p. 4).

The names of the families living at Storrs in the sixteenth century were : Storrs, Waller, Wraton, Mayer, Harris, and Mansergh, who were all holders of land.

Of these families the most important was that of Storrs, and though they were originally only yeomen, they, by accumulating landed property, gradually raised their *status* so as to be referred to in later deeds as gentlemen, though they never appear in the heralds' visitations, nor did they bear any coat of arms ; in fact, they were just wealthy yeomen.

STORRS OF STORRS HALL.

The first person of this name of whom we have any record is William, the son of Reginald Stordis [Storthes], who was one of the inquirers of the manor of Hornby on account of the scutage of Gascony in the year 1242-43.¹

Then comes Nicholas del Storches of Arkholme, who paid 12d. to the lay subsidy in the year 1332.

Next we meet with the name of Adam del Storth, who was a juror on the inquisition *post mortem* on William de Coucy on 29th April, 1343.² This man was allowed to sue for John de Eskrigg and Katherine de Lockagh in their suit (as they were under age) against Agnes late wife of Henry del Mire on 1st October, 1352.³

After that we find a John of the Storths, who died leaving two sisters co-heiresses, Alice married to Adam Tompson and Margaret, married to Robert Tompson, who divided the land of John on 24th September, 1421.⁴

The next notice in point of time is of Henry Storrs, who attended the Hornby Manor Court as a free tenant on 30th September, 1511.

Two names appear in the Subsidy Roll of 1543, viz., Richard Storthes of Caywood, who had lands of 40s. rent and paid 8d. on them, and George Storches of Gressingham, who had goods of the value of 20s. and paid 2d.

We now arrive at a period when a clear and authentic pedigree of this family can be compiled from extant documents, and we commence with :—

ADAM STORRS, yeoman, who is named in deeds of 1577 and 1581. He attended Hornby Manor Court, as a free tenant, on 10th May, 1587 ; and died intestate, being buried at Melling. The inventory of his goods is dated 25th September, 1596 ; administration of them was

¹ *Lancs. Inq. & Ext.* (Lancs. & Chesh. Rec. Soc.), I, 155.

² *Ibid.*, III, 57.

³ Duchy of Lanc. Assize Rolls (Farrer MSS.), 2nd year of Duke Henry. m. 6d.

⁴ Storrs Hall Deeds.

granted to Agnes, the relict, on 11th October, 1596.¹ He had married Agnes, daughter of Richard Dycconson of Arkholme; she is named in her father's will dated 8th June, 1586.¹ When she died is not known; but a bond to administer her goods (value £13. 6s. 8d.) exists, signed by her eldest son, Henry Storrs, which is undated. This couple had a family of at least three sons, viz. :—

I. Henry Storrs, of whom later.

II. Christopher Storrs, second son, who married Agnes, daughter of John Waller of Storrs before 15th April, 1577, on which date John Waller settled his estate on himself for life, then on this Christopher and Agnes and their heirs, which failing it passed to the elder brother, Henry, and his wife, Jennet (another daughter of John Waller), and their heirs, which failing, then to his third daughter, Margaret, and her heirs, which failing then to the right heirs of John Waller.² Of the issue of this couple, only one has been found, viz. (a) Thomas Storrs, buried at Whittington on 15th February, 1594-95.

III. John Storrs, third son, appraised the goods of James Crofte on 9th January, 1597-98; owned land in Cawood in 1599, and had a legacy under the will of the above-named Margaret Waller in 1601.³

HENRY STORRS, eldest son and heir, above-named, bought land on 2nd February, 1599, and is styled "of Storrs in Cawood." His will is dated 22nd December, 1601; inventory 9th January, 1601-02; bond 20th January, 1601-02 by the relict. He had married Jennet, another daughter of the above-named John Waller of Storrs, also before the settlement was made on 15th April, 1577; she and her son, Adam Storrs, were named as joint executors by her husband's will. This couple also had three sons; but of daughters there is no mention; the sons were :—

(i) Adam Storrs, eldest son, of whom later.

(ii) William Storrs, a minor in 1601, named in his father's will. Entered Christ's College, Cambridge, as a sizar in 1607; B.A., 1610-11; M.A., 1616. Described in a deed of 7th March, 1616-17 as "of Preston, clerk." Rector of Hauxwell in 1624,⁴ when he paid £3 12s. to the Subsidy from the clergy.

(iii) Richard Storrs, a minor in 1601, described in deed of 7th March, 1616-17, as a yeoman of Storrs. He died unmarried after making his will on 2nd January, 1643-44, which was proved on 12th March, 1645-46,⁵ whereby he made his nephew, Henry Storrs, executor and residuary legatee.

¹ Richmond Wills.

² Storrs Hall Deeds.

³ Richmond Wills.

⁴ Peile, *Biographical Register of Christ's Coll., Camb.*, I, 263.

⁵ Richmond Wills.

ADAM STORRS, eldest son and heir, above-named, was admitted tenant of the Storrs by Hornby Manor Court on 25th January, 1602. On 16th February, 1616-17, he executed a deed granting to his two younger sons, William and Richard, his whole estate at Storrs until his eldest son, Henry, attained twenty-one years of age. He died on 21st February, 1616-17, as shown by the inquisition *post mortem* which found his son and heir. The inventory of his goods (£82 6s. 8d.) is dated 4th March, 1616-17, and administration was granted to his widow on 7th March. He had married Ellen Melling at Whittington on 8th August, 1596, and she was found by the inquisition to be his widow. On 21st October, 1617, she remarried at Whittington one Christopher Baitson. This couple also left three sons (the continual absence of daughters is unusual), viz. :—

- (1) Henry Storrs, found son and heir by the inquisition, of whom later.
- (2) William Storrs, of Kitley, in Cawood, yeoman ; buys land from George Mansergh on 5th August, 1623 ; executes a mortgage to his nephew, Adam Storrs, in 1664.¹ Is buried at Melling on 9th February, 1672-73, *s.p.* He had married Jane Widder at Melling on 31st October, 1636, and she was living as a widow on 25th January, 1674-75, when she and her nephew, Thomas Watson, sold her rights in Kitley and removed to Borwick.
- (3) Richard Storrs of Storrs, yeoman, named in his father's deed of 21st February, 1616-17. Of his marriage and of his death nothing is known ; but from the will of his nephew, Adam Storrs, it appears that he left children whom Adam names as his cousins, and to whom he left legacies, viz. :—

(a) William Storrs (b) John Storrs (c) Esther Storrs. (d) Magdalen Storrs.	}	All living on 13th February, 1701-02.
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The above-named HENRY STORRS was found by inquisition *post mortem*² to be son and heir, that his father died on 21st February, 1616-17, and that Henry was aged 9 years 8 months and 2 days on that date ; he would therefore be born on 19th June, 1607. He was admitted tenant by the Hornby Manor Court on 22nd May, 1625. He was a Commissioner on the Commonwealth Church Survey in 1650, and is called Henry *Staires* in the published proceedings.³ He made his will on 2nd September, 1662 ; the inventory (£134 11s. 7d.) is dated 14th September, and the bond 23rd October of that year. His burial is recorded in the Melling Church Register on 8th September,

¹ Storrs Hall Deeds.

² *Ibid.*

³ Lancs & Chesh. Rec. Soc., Vol. I, 118, 124.

1662. He was married twice ; firstly to Agnes . . . (who was buried at Melling on 30th September, 1633) by whom he had the following family, viz. :—

- I. Adam Storrs, baptised at Melling 21st September, 1628, died an infant.
- II. Adam Storrs, baptised at Melling 2nd September, 1629, of whom later.
- III. John Storrs, called second son in his brother Adam's marriage contract on 5th April, 1656 ; presumed to have died unmarried in his father's lifetime as not being mentioned in his will.
- IV. Richard Storrs, called second son in his father's will on 2nd September, 1662. Married at Thornton-in-Lonsdale on 4th July, 1665, to Jane Ustenson.
- V. Isabel Storrs, baptised at Melling on 2nd September, 1633 ; was married to John Batty of Docker Park and left issue. She was buried at Melling on 26th May, 1675.
- VI. Ellen Storrs, buried at Melling on 21st April, 1634.

By his second wife, Margaret . . . (who was buried at Melling on 30th May, 1649), he had two daughters, viz. :—

- VII. Esther Storrs, named in the will of her great-uncle, Richard Storrs ; she married John Cort, who is called son-in-law in the will of Henry Storrs in 1662.
- VIII. Rebecca Storrs, buried at Melling on 1st August, 1650.

The above-named ADAM STORRS, baptised at Melling on 2nd September, 1629, is called eldest son and heir in his marriage contract on 5th April, 1656, when he was about to marry Jane, the daughter of William Rawlinson of Graithwaite-in-Furness Fells (she was buried at Melling on 24th June, 1676). This Adam was admitted by the Hornby Manor Court as tenant on 20th September, 1663. During the latter period of his life he lived at Kendal with his eldest daughter, Anne, and her second husband, Anthony Askew, M.D., of Kendal. He made his will on 13th February, 1701-02, and was buried at Kendal on 17th February, 1701-02. By his will he left the Storrs estate to his daughter, Anne, for life, with remainder to her husband, Dr. Askew. Adam Storrs and his wife, Jane, had the following family, viz. :—

- (i) Henry Storrs, born 10th September, 1661, baptised at Melling, 25th August, 1662 ; died an infant.
- (ii) William Storrs, baptised at Melling, 26th December, 1665 ; died an infant.
- (iii) Anne Storrs, was married twice : Firstly to Charles Cawson of Lancaster, merchant, at Halton Church, on 2nd March, 1684-85 ; he died in 1693 and Anne Cawson signed the

administration bond on 1st July, 1693. By this husband she had one son, John Cawson of Penrith, a physician, educated at Cambridge. Admitted at Christ's College in December, 1708; M.B., 1712.

In 1694 she was married again to Anthony Askew, M.D., of Kendal, and by him she had at least three children, viz. :—

(a) Adam Askew, M.D., of Newcastle-on-Tyne.

(b) Anthony Askew of Wakefield, who died before his father, leaving issue :—

(1) Anthony Askew, a minor in 1739, named in the will of his grandfather, Dr. Askew of Kendal.

(2 and 3) Two daughters, also minors in 1739.

(c) Margaret Askew.

Dr. Askew of Kendal made his will on 31st March, 1739, which was proved on 18th June, 1740.

(iv) Elizabeth Storrs, second daughter, was also married twice :
Firstly to William Backhouse of Lancaster, gentleman, who was buried at Lancaster on 26th April, 1697. On 14th June, 1697, administration of his goods was granted to his relict in the Amounderness Deanery, and the bond was signed by her and by her father, Adam Storrs. By this marriage she had issue, viz. :—

(1) Richard Backhouse, baptised at Lancaster, 23rd March, 1691-92, and named in the will of Adam Storrs in 1701-02.

(2) Isabel Backhouse, baptised at Lancaster on 26th November, 1695, and named in the will of Adam Storrs in 1701-02.

(3) Jane Backhouse, named in the will of Adam Storrs in 1701-02.

She married secondly, John Harrison of Blackholme, Cartmell, who was dead before 7th March, 1712-13.

Adam Storrs had left his freehold estates of Storrs Hall and Hallbanks to his daughter, Anne Askew, for life with remainder to her husband, Anthony Askew, M.D., of Kendal. The estate consisted of both freehold and customary lands which latter Anne would naturally inherit as the customary heir ; but Dr. Askew was evidently afraid that his wife's eldest son, John Cawson, might claim the customary lands as his inheritance after the death of his mother. He therefore got his step-son to sign a deed on 12th November, 1722, renouncing all right to this land on the plea that Dr. Askew had brought him up and paid for his education at the University of Cambridge. This transaction does not reflect much credit on Dr. Askew of Kendal when it is reflected that the estate belonged to Anne Askew for life and that her eldest son was surely entitled to be educated.

PEDIGREE OF STORRS OF STORRS-HALL CO. LANCR.

William, son of Reginald Stordis (Storches) was an Inquirer of the Manor of Hornby on account of the scutage of Gascony, A.D. 1242-43. (See Lanc. & Cbesh. Rec. Soc., Vol. XLVIII.)

Nicholas del Storches of Archolme paid 12d. to the Lay Subsidy of 1332.

Adam del Storches is permitted to sue in the Duchy of Lancr. Court for two minors on 1 Oct. 1352 (Duchy of Lancr. Assize R. [Farrer MSS.] 2nd year, m. 6d.).

Adam del Storch was a juror on the Inq. on William de Coucy on 29 April 1343. (See L. & C. Rec. Soc., Vol. LXX.)

Adam del Storches was a juror on the Inq. at Hornby on John de Harynton of Farleton on 18 July 1362. (See Farrer's MSS.).

John of the Storches died seised of 2 messuages and 100 acres of land which were divided between his two sisters in the 8 Hen. V [1421].

Alice Storches = Adam Tompson.

Margaret Storches = Robert Tompson.

Henry Storrs attended the Hornby Manor Court as a free tenant on 30 Sep. 1511.

George Storches of Gressingham had goods of 20/- value and paid 2d. in the Subsidy of 1543.

Richard Stortbes of Caywood had 40/- rent of land and paid 8d. in the Subsidy of 1543.

Adam Storrs of Storrs, yeoman, named in deeds of 1577 & 1581. Attended Hornby Manor Court, as a free tenant, on 10 May 1587. Inventory of his goods dated 25 Sep. 1596 (Richmond Wills); administration granted to Agnes, the relict on 11 Oct. 1596. Buried at Melling. She is named in her father's will dated 8 June 1586. Bond [undated] to administer her goods.

Agnes, dau. of Richard Dyeconson, of Arkholme. (value £13 6. 8.) signed by Henry Storrs.

Henry Storrs, eldest son & heir. Buys land on 2 Feb. 1599 and is styled "of Storrs in Cawood." Made his Will on 22nd Dec. 1601. Inv^y. 9 Jan. 1601/2; Bond 20 Jan. 1601 2. Proved by relict.

Jennet, dau. of John Waller of Storrs. Married before 15th April 1577, on which date John Waller settles his estate. Joint Executrix with son Adam of her husband's will.

Christopher Storrs, younger son, named as heir to estate of John Waller on 15 April 1577. Living on 15 Feb. 1594/5.

Agnes, dau. of John Waller of Storrs, married before 15 April 1577.

John Storrs appraised the goods of James Crofte on 9 Jan. 1597-8; owns land in Cawood in 1599. Receives a legacy from Margaret Waller in 1601.

Adam Storrs, son & heir, admitted tenant of the Storrs by Hornby Manor Court on 25 Jan. 1602. Executes deed on 16 Feb. 1616/7, providing for his two younger sons. Died 21 Feb. 1616/7. Inventory of goods (£82 6. 8.) dated 4th March 1616/7; administration to his widow Ellen.

Ellen Mellinge married at Whittington on 8 Aug. 1596. Living a widow on 7 March 1616/7 as per *I.p.m.* below. Remarried at Whittington on 21 Oct. 1617 to Christopher Baitson.

William Storrs, a minor in 1601, named in his father's will. Entered Christ Coll. Camb. as a Sizar in 1607, B.A. 1610/1; M.A. 1616. Described as "of Preston, clerk" on 7 March 1616/7. Rector of Hauxwell in 1624, when he paid £3. 12. 0. to the Subsidy from the Clergy. Also paid in 1639.

Richard Storrs, a minor in 1601, described as "yeoman of Storrs" in a Bond on 7 March 1616/7. Died unmarried. Made his Will on 2nd Jan. 1643/4; proved in Richmond C.C. 12 March, 1645/6. His nephew Henry Storrs to be Executor & Residuary Legatee.

Thomas Storrs buried at Whittington on 15 Feb. 1594/5.

Henry Storrs, born 19 June 1607, was found son & heir by *I.p.m.* on 28 Aug. 1617. Admitted by Hornby Manor Court on 22 May 1625. Will dated 2 Sep. 1662; Inventory (£134 11. 7) dated 14 Sep. 1662; Bond 23 Oct. 1662. Was twice married.

(1) Agnes . . . buried at Melling 30 Sep. 1633.

(2) Margaret . . . buried at Melling 30 May 1649.

William Storrs, of Kitley in Cawood, yeoman; buys land from George Mansergh 5 Aug. 1623. Executes a mortgage to his nephew Adam Storrs in 1664. Buried at Melling 9 Feb. 1672/3; *s.p.*

Jane Widder, married at Melling 31 Oct. 1636. Living a widow 25 Jan. 1674/5 when she and her nephew Thomas Watson sell her rights in Kitley. Removed to Borwick.

Richard Storrs, of Storrs = yeoman, named by his father in deed of 21 Feb. 1616/7.

William Storrs John Storrs Esther Storrs. Magdalen Storrs
Named as cousins in the will of Adam Storrs on 13 Feb. 1701-2

Adam Storrs bapt^d at Melling 21 Sep. 1628. Died an infant.

Adam Storrs, bapt^d at Melling 2 Sep. 1629. Called eldest son and heir in his marriage contract on 5 April 1656. Admitted by Hornby Manor Court 20 Sep. 1663. Made his will on 13 Feb. 1701/2. Buried at Kendal 17 Feb. 1701-2.

Jane, dau. of William Rawlinson of Graithwaite in Furness Fells. Married on or before 24 June 1656. Buried at Melling on 24 June 1676.

John Storrs called 2nd son in his brother's marriage Contract, on 5 April 1656. Presumed, died in his father's lifetime.

Richard Storrs called 2nd son in his father's Will on 2 Sep. 1662, and made Executor. Married on 4 July 1665 at Thornton-in-Lonsdale to Jane Ustenson.

Isabel Storrs bapt^d at Melling 2 Sep. 1633. Buried at Melling 26 May 1673.

John Batty of Docker Park. Named as son-in-law in Henry Storrs' will in 1662.

Ellen Storrs buried at Melling 21 April 1634.

Esther Storrs named in the will of her great Uncle Rich^d Storrs.

John Cort called son-in-law in Henry Storrs' Will in 1662.

Rebecca Storrs buried at Melling 1 Aug. 1650.

Henry Storrs, born 10 Sep. bapt^d at Melling 25 Aug. 1662. Died an infant. William Storrs, baptised at Melling 26 Dec. 1665. Died an infant.

(1) Charles Cawson of Lancaster, merchant. Married at Halton 2 March 1684/5.

Anne Storrs, eldest dau. Signed administration Bond for goods of Charles Cawson on 1 July 1693. Remarried in 1694.

(2) Antony Askew, M.D., of Kendal. Will dated 31 March 1739; proved 18 June 1740.

(1) William Backhouse of Lancaster, gent. Administration of his goods granted to his relict on 14 June 1697 in the Amunderness Deanery. Bond signed by his widow and by Adam Storrs. He died 23 was bur^d. 26 April 1697 in Lancr. Church, aged 37 (Brass.).

Elizabeth Storrs 2nd dau. Was married twice. Was of Kendal when Licence for 2nd marriage taken on 17 July 1705.

(2) John Harrison, of Blackholme, Cartmel. Dead by 7 March 1712/3.

Mary . . . = John Cawson of Penrith; a physician, living in 1723. Bur^d at Penrith 30 Jan. 1728-9

Adam Askew M.A. = . . . of Newcastle-on-Tyne.

Anthony Askew = . . . of Wakefield, dead before 31 March 1739.

Margaret Askew.

Richard Backhouse named in will of Adam Storrs in 1701/2. Bapt. at Lancr. 23 March 1691-2.

Isabel B. named in Will of Adam Storrs in 1701/2. Bapt. at Lancr. 26 Nov. 1695.

Jane B. named in Will of Adam Storrs in 1701/2.

Lydia C. buried at Penrith 7 Apl. 1716.

John C. bapt. 16 May 1716. bur^d 29 Apl. 1717.

Anne C. bapt. 12 Apl. 1717. bur^d 2 May 1717.

See Askew of Conisbead Priory in Foster's Lancs. Families

Anthony Askew, a minor in 1739, named in his grandfather's will.

Two dau^s minors in 1739.

The Askew family remained in possession of the property until 21st March, 1848, when Henry William Askew, esq., sold the estate to Francis Pearson, esq., a solicitor of Kirkby Lonsdale. The property sold was described as freehold (the customary lands having been enfranchised in 1711), consisting of the several estates formerly called Storrs Hall, Lockhaw, otherwise Lockey and Timberley lying in the townships of Arkholme and Gressingham, and containing in all 214 acres and 24 perches.

On acquiring this property Mr. Pearson proceeded to pull down the old Hall and rebuild it in the Gothic style; he obtained some old panelling from Robert Hall in Tatham, which was used to line the dining-room, and so give an antique appearance to that room. He also formed a park by closing the old road down to the ford and demolishing the old cottages which had formed the hamlet at the cross-roads, so that now the Hall with its adjuncts is all that remains of a once fairly populous little place.

This property is now in the hands of Mr. Pearson's great-grandchildren, who are all minors.

CINDERHILL.

This farm is the most westerly situated farm in Arkholme, and from its name gives the impression that it originated in a "bloomery" started in the forest of Cawood. The Forest Proceedings in the Public Record Office often refer to damage done by men, in search of iron ore, digging deep pits into which the deer fell; in particular one John Blesard was presented for this on 18th March, 1359.¹

Of the early history of this farm we are ignorant, until the will of Edward Nelson of Cawood, dated 3rd September, 1583, proved in the Lonsdale deanery on 16th January, 1583-84; the inventory amounted to £94 14s. 10d., and the will is endorsed "Of Sinder Hill." Amongst the names of his debtors are "Nicholas Thomson of Cawood and William Thomson" for 40s. These two men were father and son tenants of the neighbouring farm of Docker Parke. It shows also that he had been buying land in the neighbourhood, as there are the following two items: "Rob^t. Waller and John Waller for a covenant of certeyne grounde lyinge in Kellet ether to have y^e grounde or els y^e some of xxxij^{lb}"; "I bought a tenant Right of one tenement in Lupton of y^e Inherytance of Willyam Gascoigne, esquire, of James Hewetson for y^e which I paid lvj^{lb} xiijs." Mr. Wm. Redman of Burton [in Lonsdale], son to Mr. Willyam Redman of Irebye owed £3 6s. 8d. for a horse.

Amongst the debts which testator owed is £4 16s. 8d. to his brother, Marmaduke Nelson; 6s. 8d. to his father, Thomas Nelson; and 2s. to Adam Storres [of Storrs Hall].

¹ Duchy of Lanc. Forest Proceedings (Farrer MSS.), 1/20.

These Nelsons were a Clitheroe family, Edward being son to Thomas Nelson who, with his wife, was living at the time of his son's death. Edward was married at Clitheroe, on 7th May, 1576, to Ellen, daughter of Giles Parker of Horrocksford, and was buried there on 27th November, 1583; but how he came to live at Cinderhill does not appear, though we may suppose that his relationship to the Parkers of Gressingham was the reason, as his wife's father was first cousin to Robert Parker of Browsholme, and would, therefore, be related to the Parker family of Gressingham. His will names his two legitimate sons, Thomas and Edward Nelson, and an illegitimate son, Marmaduke Nelson or Harryson, as well as his brother, Marmaduke Nelson. He leaves his wife and infant sons executors, and makes supervisors of his will Robert Parker of Browsholme, Richard Hancock of y^e Cornfield, William Parker of Gressingham, and Miles Maer of Arkholme; but there is no indication of the amount of land which he held. His widow, Ellen, was buried at Clitheroe on 4th January, 1587-88; his sons had also been baptised there, Thomas on 25th March, 1577-78, and Edward on 15th December, 1580; Thomas was living in the year 1593 when he is mentioned in the will of his aunt, Alice Parker, dated 21st October, 1593.¹

This farm would be held as a copyhold under the Manor of Hornby and, as the children were so young, would be sold to some other man as tenant. These new tenants appear to have been Russells, as we find the will of a James Russell of "Synderhill" dated 22nd July, 1637; inventory (£114), dated 9th August, 1637; proved 28th September, 1637, in the Lonsdale Deanery. He was buried at Melling on 10th August, 1637, within the church, and left a wife Annas [Agnes], who signed the bond, and three children, viz.: Thomas, James (who was buried at Melling on 29th June, 1648), and Sybil. The wife was buried at Melling, as a widow (Agnes) from Cawood on 2nd April, 1662.

This family was probably related to the Beakbanes of Gunnerthwaite, as George Beakbane, in his will of 1632, leaves legacies of £6 13s. 4d. to "Thomas and Sybil, children of James Russell," if so then they were probably Dissenters, which would account for the absence of their names in the baptismal and marriage registers of Melling Church. How long they continued at Cinderhill does not appear; but they were followed by a family of Thompson as the next tenant of whom there is record was an Anthony Thompson, who was married at Over Kellet on 7th October, 1706, to Elizabeth . . . and had a daughter, Anne, baptised there on 7th June, 1707. The remainder of his family appear in the Melling Church registers, viz.:—

1709 Aug. 28 Maria fa. Antonij Thompson et Eliz^{ae} ux: de Sinderhill—baptised.

¹ Information from Col. J. Parker, C.B., F.S.A., of Browsholme.

1712 March 30 Wilhelmus f. Antonij Thompson et Eliz^{ae} ux : de Sinderhill—baptised.

1713 Dec. 27 Thomas f. Antonij Thompson et Eliz^{ae} ux : de Sinderhill—baptised.

1717 June 13 Elizabeth fa. Antonij Thompson et Eliz^{ae} ux : de Sinderhill—baptised.

Anthony died intestate and administration of his goods was granted to his widow, Elizabeth, on 5th September, 1733. His inventory, taken on 6th August, 1733, amounted to £64.

The son, William Thompson, who was just over 21 years of age, would probably continue to hold the farm ; but information regarding this is lacking.

During the eighteenth century most of these old copyhold estates were enfranchised, so that in all probability this farm became a freehold ; but no notices of Cinderhill appear until the tithe map was made in 1844, when Peter Wharton was the owner, with an acreage of 93a. 1r. 6p. of land ; and in 1878 it was sold by a Mr. Peter Wharton, of Cinderhill, and Mr. Marmaduke Swindlehurst of Docker as trustees, Mr. Wharton being then in occupation of the estate which had attached to it another 29a. or. 15p. of land in Over Kellet.

This farm was subsequently purchased by Mr. G. B. H. Marton of Capenwray Hall.

GUNNERTHWAITE.

This farm is situated half a mile north-north-east of Cinderhill. At some unknown time in the tenth century, the Vikings from the Isle of Man came over to the shores of Lancashire, Westmorland and Cumberland, and settled in those counties—this probably took place when Harold Fairhair, King of Norway, harried the western Islands, *circa* A.D. 900.

Among these men was one Gunnar, who pushed up the Keer river and, making a *thwaite* or clearing, called it by his own name, Gunnar-thwaite, now slightly altered to Gunnerthwaite.

No doubt his descendants remained on his farm, and in process of time became villeins to their Norman overlords, and later by slow and tedious steps, rising into the position of customary tenants or tenants by copy of Court Roll.

When written records, regarding such comparatively lowly people, commence, after the Tudor period, we find here a family of the name of Beakbane, Quakers, in the reign of Charles II. The name of Beakbane only occurs in the Melling Church Registers for burials, their marriages and baptisms being apparently conducted in private by persons of their own faith.

The first of this name we meet with is a George Beakbayne of Gunnerthwaite, who made his nuncupative will on 13th December, 1632, proved on 9th January, 1633-34. He was buried at Melling on 25th November, 1633. The Inventory was taken on 15th January, 1633-34. He appears to have had a wife, Margaret, who was buried at Melling as a widow on 22nd February, 1635-36, though the relationship is not stated. He died without living issue, and therefore the tenement would pass to his brother, Robert, as next heir. In his will he names his brother, Robert, as his executor and residuary legatee, another brother, Richard Beakbane of Priest Hutton, with a son, George, and also a Matthew Beakbane, with a son, George, are named. He also leaves legacies to two of the children of James Russell of Cinderhill (see under Cinderhill).

Robert Beakbane and his wife, Alice, appear in the Melling Church Register as burying a son, Richard, on 25th April, 1636. They had at least the following family, viz. :—

- (a) John Beakbane of Gunnerthwaite, yeoman, who was dead by the year 1714-15, intestate, as his nephew, Robert Beakbane, attended the Consistory Court at Warton on 29th March, 1715, to state the fact for his father, Thomas.
- (b) Thomas Beakbane, of whom later.
- (c) Richard Beakbane, buried at Melling on 25th April, 1636.

The above-named Thomas Beakbane had married Margaret Middleton as is shown by the will of her mother, Dorothy Middleton of Gunnerthwaite, widow, dated 11th December, 1693, by which Margaret was appointed executrix and residuary legatee, and in which four Beakbane grandsons are named. The family was :—

- (i) Robert Beakbane, of Gunnerthwaite, who attended at Warton Consistory Court in 1715. He died without issue, after making his will on 22nd January, 1727-28; proved 17th February, 1727-28; inventory taken on 9th February of that year. He made his brother, Thomas, his executor and residuary legatee, and mentions his sister, Mary, who was then in Pennsylvania, America, with her second husband, Ellis Lewis, and he also names a John Baldwin as her son by her first husband.
- (ii) Thomas Beakbane, named in 1693 in the will of his grandmother, Middleton, executor and residuary legatee to his brother, Robert, whom he succeeded in the tenement, of whom later.
- (iii) John Beakbane, named in the will of his grandmother, Middleton, in 1693.
- (iv) Richard Beakbane, also named in his grandmother's will.

Note.—About this time there was an Agnes Beakbane, who is named in a Lancaster Marriage Bond as to be married to Christopher Wither, both being of the parish of Melling, and dated 23rd June, 1672.

The above-named Thomas Beakbane, who died about 1749-50, had issue at least two sons, viz. :—

- (a) Thomas Beakbane, eldest son, who was admitted to the tenement by the Hornby Manor Court on 1st March, 1750. He enfranchised the estate in 1774 and 1780 ; but getting into debt through mortgages, he sold it on 22nd November, 1780, to Thomas North of Docker and John North of Liverpool, who were acting for their brother, Henry North, who had contracted to buy the property but had subsequently become a lunatic. At this period Thomas Beakbane was living at Melling.
- (b) John Beakbane of Lancaster, grocer, who became a freeman of that town in 1742-43. He was in partnership with William Charnley in 1758 when they were described as merchants (see Lanc. Apprentice Roll in 1765, 30th Sept.). He was married and had a son. He died in 1787 in which year his will was proved. His son was Thomas Beakbane of Lancaster, mariner, who claimed his freedom of the town in 1789-90.

During the reign of Charles II (1660-85) the following members of this family, all of Arkholme-cum-Cawood, were reported as being convicted recusants, viz. :—

Alicia Beckbayne, spinster.

Johannes Beckbaiyne, husbandman.

Sibilla Beckbayne, spinster.

Thomas Beckbayne, husbandman.

Anna Beckbayne, spinster.

Margaretta Beckbayne, spinster.

—(Catholic Rec. Soc., *Misc.*, V, 232.)

Henry North, above-named, who had contracted to buy this estate, died intestate and unmarried ; hence his two brothers, Thomas and John, and his sister, Margaret, the wife of Robert Parker of Heaning in Slaidburn, Co. York, were his heirs ; they therefore arranged, on 8th March, 1788, for Thomas North of Docker to have Gunnerthwaite, he paying to each of the others £633 6s. 8d., hence the estate was valued, on that date, at £1900.

Now, Thomas North of Docker had married at Lancaster, on 11th June, 1761, Isabella, daughter of William Geldard, at one time of Ivah, but later of Eskrigg Newhouse (now called Sandbeds) in Eskrigg ; she inherited this estate in Eskrigg on the death of her brother in 1798, and so brought a considerable addition to Thomas North's fortune.

He let his property at Docker and lived at Gunnerthwaite. The fruit of the above marriage was two daughters, viz. :—

- (i) Jane North, who was living in 1766, but appears to have died before 1798.
- (ii) Isabella North, married to William Harrison of Lancaster, who assumed the name of North and was known as William Harrison North. He was a soap-boiler and tallow-chandler of Lancaster and a freeman of that town. He made his will on 26 August, 1811, with two codicils of 27th June, 1813, and 2nd February, 1815 ; in it he names his wife, his son Thomas, and his daughter Mary. His issue was :—
 - (a) Mary North, who died on 1st February, 1820, unmarried, having made her will on 25th October, 1819, proved at Lancaster on 30th June, 1821, by which she left her property to her mother.
 - (b) Thomas North, a minor in 1795, claimed the Freedom of Lancaster in 1823-24, as son of William North of Lancaster, soap-boiler and tallow-chandler.

This last-named Thomas North and his mother raised £10,000 by mortgage on their properties, from James Parkinson of Lancaster and Hornby, after whose death an action was brought by his executor against the Norths which obliged them to sell their lands among which was Gunnerthwaite, which was sold in 1828 to Joseph Gibson, of Whelprigg, near Kirkby Lonsdale, whose descendant still holds it.

BAINSBECK.

Bainsbeck farm is another ancient tenement situated about half a mile north of Storrs-Hall on the main road and on the margin of a small beck which meanders through the fields.

The old house was pulled down or so completely altered by Mr. Francis Pearson when he acquired it in 1856 as not to show any ancient remains.

It was held as a copyhold under the Manor of Hornby by a family of the name of Green or Greene, members of which appear in the Arkholme Subsidy Roll of the year 1543 ; one John Greene being returned as having goods worth 40s. on which he paid 4d. and a Robert Greene as having goods worth 20s. for which he paid 2d. These men were probably father and son, as the succession of Christian names in this family was always John, Robert, John, Robert, etc.

In the will of Richard Dyeconson of Arkholme, dated 8th June, 1586, we find that his daughter was married to a John Green of Arkholme township, and had a daughter Agnes Green then living. This John Green was probably the father of Robert Green, the elder, from

whom a regular descent can be traced, and most probably the Thomas Green of Arkholme, husbandman, who died intestate and was buried at Melling on 19th March, 1639-40, was his brother, though no clear proof is forthcoming. This Thomas Green left a widow, Elizabeth, who signed the bond to administer his goods on 26th March, 1640 ; but no children are mentioned.

Robert Green, the elder, appears first in a Storrs Hall deed in 1610 as a witness, and was a substantial man, as he had to compound in £10 in the year 1631-32 for not taking knighthood.¹ He died intestate, and was buried at Melling on 24th September, 1644. His Inventory (£69 11s.) was taken on 30th September, and the Bond for administration of his goods was signed on 25th February, 1646-47 by his two younger sons, Bryan and William. He left a widow, Agnes, who also died intestate in 1645-46, and is described in the Bond to administer her goods as "late wife of Robert Green, the elder." Her Inventory (£14 14s. 2d.) is dated 5th February, 1645-46 ; the Bond, 25th February, 1646 [*sic*], is signed by the same two younger sons, Bryan and William Green. Their family was :—

(i) John Green, baptised at Melling, 13th December, 1633, and buried there on 1st February, 1633-34.

(ii) John Green of Cawood, of whom later.

(iii) Bryan Green of Tunstall, who was a bachelor when his mother died in 1645-46 ; he married a wife, Anne . . . , as appears from the Melling Church register at the burial of their son, Richard. He, himself, was buried at Melling on 19th May, 1706, leaving the following family :—

(1) William Green, baptised at Tunstall on 7th July, 1657.

(2) Richard Green, buried at Melling on 16th April, 1662.

(3) Agnes Green, baptised at Melling on 11th January, 1662-63.

(iv) William Green of Arkholme, husbandman, buried at Melling on 5th August, 1666. Died intestate ; administration of his goods given to his wife, Agnes. Inventory (£156 4s.), dated 1st October, 1666 ; his wife signed the Bond for administration and for tuition of the four children on 4th October, 1666, as "Anne." She was buried at Melling as "Agnes" on 14th January, 1671-72, having made a nuncupative will, on or about 11th January of that year, by which she left all she had to her daughter, Agnes Green ; her Inventory (£182 12s. 9d.) is dated on 19th January, 1671-72, and the Bond is of the 25th January. This couple had the following family, viz. :—

¹ Lancs & Chesh. Rec. Soc., *Misc.*, I, 221.

1. John Green, baptised at Melling on 17th December, 1665 ; buried there on 12th May, 1666.
2. Agnes Green, a minor in 1666 ; executrix to her mother in 1672.
3. Robert Green of Arkholme, husbandman, of whom later.
4. Elizabeth Green, a minor in 1666.
5. Margaret Green, a minor in 1666.

Robert Green of Arkholme, husbandman, the second surviving child above-named, was a minor in 1666 ; he married a wife, Anne, as appears from the Melling Church Register when his sons were baptised. He made his will on 9th December, 1737, in which he mentions his wife, Anne, to whom he leaves all his "peuther dishes, plaits and spoons," his daughter, Ellen Craggs, widow, and his sons, John and Robert, and makes his son, William, his sole executor. Among the witnesses is "Tempus Slinger." The Inventory (£35 10s.) is dated 14th January, 1737-38, and the probate 20th June, 1738.

His family of five children was :—

- (a) Ellen Green, baptised at Melling on 15th June, 1689, where she was also married on 5th December, 1719, to William Cragg of Park House in Dalton.
- (b) William Green, baptised at Melling on 8th May, 1692 ; executor to his father in 1738 ; he married Agnes Braithwaite of Hawkshead, as is shown by their marriage bond at Lancaster, dated 16th October, 1718, and had issue at least :
 - (α) Robert Green, baptised at Melling on 18th October, 1719.
 - (β) Thomas Green, baptised at Melling on 11th October, 1721, and buried there on 13th October, 1721.
- (c) Robert Green, a twin with the next one, baptised at Arkholme on 10th January, 1697-98 ; buried at Melling on 21st January, 1697-98.
- (d) John Green, twin with the above, baptised at Arkholme on 10th January, 1697-98, is called "Jane" in the register, but "John" in his father's will.
- (e) Robert Green, baptised at Melling on 6th April, 1701.

Having dealt with the junior branches of this family, we now return to the main stem, viz. :—

John Green of Cawood, who married two wives and left children by both. He was buried at Melling on 13th March, 1699-1700, after making a will on 10th March which was proved on 28th March, 1700. He does not mention his wife, so we may assume that she was dead ;

but he names his four living children (two by each wife). His first wife was Jane Bainbridge of Holme House in the parish of Kirkby Lonsdale, to marry whom he obtained a licence at Lancaster on 27th November, 1663; she was buried at Melling on 31st January, 1668-69, having had two sons, viz. :—

- (1) Robert Green of Bainsbeck, of whom later.
- (2) James Green, who received £100 under his father's will in 1700.

By the second wife, Agnes Austwick of Arkholme, whom he married at Lancaster on 26th August, 1671, he had three more children, viz. :—

- (3) Thomas Green, a minor in 1700, who received £60 under his father's will in 1700.
- (4) Ellen Green, buried at Melling on 5th March, 1675-76.
- (5) Elizabeth Green, baptised at Melling on 8th June, 1684, also to receive £60 under her father's will; married at Melling on 23rd May, 1709, to John Harris of Lockha.

Robert Green, above-mentioned, was of age when his father died, and was the executor of his father's will and residuary legatee. On 8th February, 1711-12, he purchased the lands he held into fee-simple from the Lord of Hornby. He also had two wives. By his first wife, Margaret (maiden name unknown) he had a daughter, Agnes, baptised at Melling on 5th September, and buried there on 28th September, 1709; the wife died in childbed and was buried at Melling on 7th September, 1709.

He then married secondly Margaret [? Wraton] by whom he had four children. When he died has not been ascertained, but he left the following family, viz. :—

- (a) Agnes Green, baptised at Melling on 23rd June, 1713, who is named in the will of Thomas Wraton on 23rd September, 1728, for a legacy, which rather points to her mother being a Wraton. On 19th February, 1739-40, she was married, at Melling Church, to William Charnley of Tatham parish, and had issue by him; her eldest son, Thomas Charnley, baptised at Tatham on 26th September, 1742, became a wine-merchant in Lancaster and was executor to his cousin, Robert Green of Bainsbeck in 1801 (see below).
- (b) John Green, baptised at Melling on 13th November, 1715, of whom later.
- (c) Thomas Green, baptised at Melling on 10th April, 1718.
- (d) James Green, baptised at Melling on 11th December, 1720.

The above-named John Green of Bainsbeck succeeded to the estate on his father's death. He married on 14th June, 1742, at Lancaster, Dorothy Braithwaite of Hawkshead parish; she died on 8th January,

1796, aged 76, as recorded on her tombstone in Melling Churchyard. He predeceased her on 15th March, 1776, aged 60, as also shown on the tombstone. This man and his father kept a curious account book showing the working of the farm, the wages paid to his servants, and the charcoal which they made and carried on pack-horses to Kendal for sale. The book commences in 1758, and was carried by John Green down to 1795. Female servants' wages appear very low: In the year 1783-84 Mary Leeming received £3 10s. 6d. For 1784-85 Katherine Procter received £3 5s. od. In 1770 £3 was the wage, which rose to £3 10s. od. in 1781, and by 1795 £4 4s. od. was paid. The book also contains a long list of persons invited to John Green's funeral; from Arkholme 59, from Caywood 32, from Kirkby Lonsdale 11, from Lancaster 11, from Hornby 2, from Wray 3, from Farleton 2, from Melling 1, and from Tatham 2, making a total of 123 persons for whom food had to be supplied.

As far as is known, this John Green had an only son, Robert Green of Bainsbeck, who succeeded to the estate, which he enjoyed until his death on 27th May, 1801, aged 58 (T.I.). His will is dated 18th May, 1796, with a codicil of 9th July, 1799, proved by his executor, Thomas Charnley, on 25th July, 1801; in it he names his mother Dorothy, his wife Anne, and all his children, who were all minors, his son, John, to have the estate at 21 years of age. His wife, Anne, survived until 18th September, 1836, when she died, aged 78 (T.I.) The family left was:—

- (i) John Green of Bainsbeck, born 29th January, 1785, who died unmarried on 16th April, 1845 (T.I.). He made a will dated 7th March, 1842, proved 5th July, 1845.
- (ii) Thomas Green, called second son in his father's will.
- (iii) Dorothy Green.
- (iv) Anne Green, died 14th November, 1854, buried at Melling.
- (v) Margaret Green.
- (vi) Agnes Green.
- (vii) Ellen Green.
- (viii) Alice Green.

The estate of Bainsbeck was sold on 6th March, 1856, to Francis Pearson, esq., of Storrs Hall, and so passed away from the ancient yeoman family of Green; it is now (1927) part of the Storrs Hall estate.

DOCKER PARK.

Docker Park is another ancient messuage and tenement situated slightly south of the London Midland and Scottish Railway on the cross-road leading from Arkholme to Borwick.

The earliest notice of it which has so far appeared is the appointment of Thomas Ullathorne of Docker Park as a supervisor of the will

of Thomas Harres, clerk, priest at Arkholme on 12th July, 1567. Most of the Ullathornes appear, from their wills, to have belonged to Dalton in Lonsdale; but there was a family of that name at Lower Leck in the seventeenth century whose names occur in the Tunstall Church Register, and it is possible that they descend from this man.

Early in the seventeenth century, if not before, Docker Park had passed to a scion of the Batty family, and on 6th December, 1609, John Batty of Docker Park made his will; his inventory (£91) was taken on 16th December, and the will proved on 21st December of that year. He names his wife, Ellen, his three sons and two daughters, viz. :—

- (a) Richard Batty, eldest son, of whom later.
- (b) Edward Batty, of Docker Park, who died a bachelor. He made his will on 30th April, 1628; inventory (£100) dated 23rd May, bond, 26th June, 1628. He names his brothers, Richard and Matthew, and his nephew and nieces, children of Miles and John Astwick [Austwick].
- (c) Matthew Batty, named in his father's and his brother Edward's wills in 1609 and 1628. It is probable that this is the same man, as Matthew Batty of Nether Burrow, where he left descendants, who was buried at Tunstall Church on 8th February, 1637-38.
- (d) Agnes Batty, named as eldest daughter in her father's will, was subsequently married to Miles Astwick of Arkholme and had issue :—
 - (1) Jennet Astwick, named in her uncle Edward Batty's will in 1628.
 - (2) James Astwick, named in the same will.
- (e) Isabel Batty, named in her father's will, was subsequently married to John Astwick of Arkholme by whom she had a daughter, Maud Astwick, named in Edward Batty's will in 1628, and in that of Richard Batty in 1647.

The above-named Richard Batty had a wife, Elizabeth, who is named in the Melling Church Register on 27th May, 1636, when their son, James, was buried; this is the only record of her so far found. Richard Batty made his will on 1st October, 1647; the inventory (£95) is dated 11th October, and the bond 23rd March, 1647-48. He was buried at Melling on 10th October, 1647. His will only names his son, John, but he had issue :—

- (i) A daughter, buried at Melling on 10th November, 1631.
- (ii) James Batty, baptised at Melling on 18th May and buried on 27th May, 1636.
- (iii) John Batty, named in his father's will, a minor in 1647.

This last-named John Batty married Isabella, daughter of Henry Storrs of Storrs, she was buried at Melling on 26th May, 1675. John Batty of Docker Park is called "son-in-law" in the will of Henry Storrs of Storrs in 1662. He was a trustee of the marriage settlement of his nephew, Adam Storrs, on 26th April, 1656. A John Batty was buried at Tunstall on 8th October, 1713; but it is doubtful whether that entry refers to this man, as there were many families of Batty in Tunstall. Be that as it may, we find from the church registers of Melling that he had the following family, viz. :—

- (a) Richard Batty, who succeeded to the estate, of whom later.
- (b) James Batty, baptised at Melling, on 17th January, 1663-64.
- (c) William Batty, baptised at Melling on 19th November, 1665.

The above-named Richard Batty of Docker Park also had a wife named Isabella, as appears from the Melling Church Registers at the baptism of their second child, John. They had issue :—

- (1) Isabella Batty, baptised at Melling on 21st August, 1683.
- (2) John Batty, baptised at Melling on 25th May, 1685.
- (3) Richard Batty, buried at Melling on 21st May, 1688.
- (4) An infant, buried at Melling on 10th June, 1693.

The further history of this property we have been unable to trace; but when the Tithe Map was made about 1845 it was in the hands of Messrs. John and Edward Willan of Ingleton.

BROWN-EDGE.

Brown-Edge is a small farm situated due north of Gunnerthwaite in the north-west corner of the township. It appears to have been a holding of a branch of the Widder or Withers family of Arkholme, and the Lay Subsidy of 1543 states that one William Widder of Arkholme and Cawood had £6 worth of goods on which he paid 2s. od. to the Subsidy. He was probably the same William Widder who, on 11th October, 1596, signed the Administration Bond for Adam Storrs' estate. Of his demise we know nothing; but there is a will of an Agnes Widder, widow, *circa* 1623, bond dated 31st January 1623-24, who was most probably his wife. If so she mentions two of her younger children, and her eldest son, John, signs the bond, so that their family was :—

- (1) John Widder, of Cawood, of whom later.
- (2) Brian Widder, named in the will of his mother in 1624; he was married and had issue :—
 - (a) Richard Wither, baptised at Melling on 8th February, 1629-30.
 - (b) Jennet Wither, buried at Melling on 26th January, 1633-34.
 - (c) Margaret Wither, buried at Melling on 16th May, 1635.
- (3) Elizabeth Widder, named in her mother's will as wife of James Eskrigg.

The above-named John Widder signed the administration bond for his mother's estate on 31st January, 1623-24. He had a wife, Agnes, whom he buried at Melling on 24th April, 1642, on which occasion he is described as "de Browndedge."

This couple had a son :—

William Wither of Brown-Edge, whose wife's name was Frances ; she was buried as a widow on 11th September, 1696. William died before his wife, and was buried at Melling on 7th June, 1681.

This couple appear to have had an only son, John Wither, who died early, and was buried at Melling on 4th November, 1663.

To these Withers succeeded a Christopher Withers, probably a brother of the last-named William Wither ; but so far no clue to the relationship has been found. He had a wife, Anne, and died intestate ; his inventory (£41) was taken on 8th March, 1699-1700 ; the bond, signed by his widow, Anne, is dated 9th March, 1699-1700. His burial took place at Melling on 6th March, 1699-1700, and he is described as "de Cawood." This couple had a son :—

Christopher Wither, who obtained a marriage license at Lancaster on 23rd June, 1672, to marry Agnes Beakbaine of the parish of Melling ; he did not survive his marriage very long, as he was buried at Melling on 13th December, 1676, in his father's lifetime.

On 28th May, 1677, a William Wither of Brown-Edge sold Moor Close (5a.) to John Smith.

As the Beakbaines were Quakers whose names occur in the Recusants Lists, it appears probable that this branch of the Withers family was also of that persuasion, which would account for the absence of their baptisms and marriages from the Melling Church Registers.

When an Inquisition was taken at Lancaster on 24th August, 4 George II (1730), to certify the property owned by Francis Charteris, of Hornby Castle, who had been condemned, at the Old Bailey in London for felony and rape on the body of Anne Bond, on 10th November, 1729, it was found, *inter alia*, that he owned a messuage and tenement in Caywood, called Browndedge, of 100 acres in extent and worth £24 yearly.

When the tithe map was made about 1844 this property had belonged to Alexander Burrow and was, at that time, in the hands of his trustees.

BROOMFIELD.

There are two farms of this name, viz., Higher and Lower Broomfield, situated in the north-east corner of the township. The Higher

Broomfield appears to be a comparatively modern building regarding which we have been unable to find anything beyond the statement in the tithe map that in 1845 it had belonged to one Atkinson and was then in the ownership of . . . Procter of Malham.

Lower Broomfield is the older building; being of late sixteenth-century construction, and was owned by a well-to-do yeoman family of the name of Barker.

The earliest known member of this family appears to be a Bryan Barker, whose name occurs in the Subsidy Roll of 35 Hen. VIII (1543) as having goods worth 20s. on which he paid 2d. to the subsidy; his will is in the Richmond Wills, and is dated 20th August, 1579, in it he says he is of Arkholme, and is "aiged in years." The inventory is dated 25th August, 1579, so that he must have died within these two dates. He leaves his tenement to his eldest son, Thomas, £20 to his daughter, Isabel, £6 13s. 4d. to his wife, Agnes, and 6s. 8d. to each of his three sons-in-law, but does not name them.

The above-named Thomas Barker succeeded to the tenement and made his will on 28th January, 1603-04; inventory (£35) dated 16th February, 1603-04. He had a son, Bryan Barker, who, however, had died before his father, and a daughter, Jane, married to Christopher Thornton, who is named in the will. William Barker of the Deep Mire and Richard Stith, curate of Arkholme, are also named.

The son, Bryan Barker, had married a wife, Jane . . . , by whom he had a family :—

- (i) Thomas Barker, called in his grandfather's will "my eldest son's son," of whom later.
- (ii) John Barker, a minor in 1604, of whom later.
- (iii) Jane Barker, a minor in 1604.
- (iv) Margaret Barker, a minor in 1604; buried at Melling on 23rd March, 1639-40; she died intestate, the inventory of her goods is dated 23rd March and the bond, signed by her brother, John, is dated 26th March, 1640, in which she is called "spinster."

The above-named Thomas Barker and his mother, Jane, were each to have half the tenement, the widow's half contingent on her remaining a widow and the reversion of this half to be to Thomas and his heirs. The widow obtained administration of her deceased husband's goods on 3rd March, 1603-04, and signed the tuition bond for the three younger children. This Thomas Barker took part with the king's forces in the first Commonwealth War, and had to compound, in 1649, for "his delinquency in adhering to the King's forces." He was buried at Melling on 25th April, 1653, but no testamentary papers relating to him are preserved. He had married Anne Dickonson, who was buried at Melling on 21st February, 1661-62; her will is extant, dated 20th

February, 1661-62, the inventory dated 17th April, 1662. Her will is full of names of persons to whom she leaves bequests, but does not name any child, so that it is to be presumed that this couple died without surviving issue.

John Barker, brother to Thomas, inherited the tenement. When his sister, Margaret, died in 1640, he was described as a labourer of Melling; but he was of Broomfield when he died intestate, and was buried at Melling on 16th June, 1666. His inventory (£29), signed by his eldest son, Bryan, is dated 29th June, 1666. His family was:—

- (a) Bryan Barker, of Broomfield, of whom later.
- (b) Thomas Barker, named in the will of his brother Bryan in 1683; he was buried at Melling on 7th March, 1695-96 as of Arkholme. He had a son, Thomas Barker of Gressingham, also named in his uncle Bryan's will in 1683, and from this man the Barkers of Gressingham descend.
- (c) Mary Barker of Gressingham, made her will on 6th March, 1674-75, in which she names her brother Bryan Barker of Broomfield, her sister Frances Pearson, her cousin Mary Barker, and a Frances Barker, widow.
- (d) Margaret Barker (baptised at Melling on 24th July, 1664?), named in the will of her brother, Bryan, in 1683, as the wife of . . . Harrison, by whom she had three sons.
- (e) Frances Barker, married to James Pearson of Thin-Oaks, who signed the bond for his sister-in-law's goods on 29th April, 1675.

The above-named Bryan Barker was baptised at Melling on 16th February, 1639-40; he signed the bond to administer his father's goods on 3rd January, 1666-67, and was himself buried at Melling on 19th February, 1682-83, after making his will four days earlier, viz., on 15th February of that year. The inventory (£211) is dated on 23rd February, and the bond on 28th February, 1682-83. His wife, Margaret, was buried at Melling, as a widow, on 21st April, 1693, and they had the following family, viz. :—

- (i) Thomas Barker, son and heir, baptised at Melling on 21st April, 1650, of whom later.
- (ii) Esther Barker, baptised at Melling, 18th April, 1652; buried there on 21st May, 1674.
- (iii) Richard Barker, baptised at Whittington on 11th April, 1658.

The above-named Thomas Barker of Broomfield is called "eldest son" in his father's will, for which he signed the bond on 28th February, 1682-83, wherein he is described as of Melling [parish]. He had been named for a legacy in the will of his great-aunt, Anne Barker, on 20th February, 1661-62. He was married twice, and was buried at Melling on 10th September, 1715. His first wife was Margaret, daughter of

Francis Carrington of Cantsfield, the marriage bond is at Lancaster, dated 16th May, 1689. She was buried at Tunstall on 28th July, 1690, after giving birth to a son :—

- (1) Bryan Barker, baptised at Melling on 1st June, 1690, of whom later.

Thomas Barker's second wife, was Sarah Dickinson of Arkholme, spinster, whose marriage took place at Melling on 27th November, 1694, and by her he had seven more children, viz. :—

- (2) Thomas Barker, who became a lawyer in York, and administered his brother, Bryan's estate on 18th September, 1731.
 (3) An infant buried at Melling on 21st October, 1695.
 (4) Jane Barker, buried at Melling on 18th December, 1696.
 (5) Margaret Barker, buried at Melling on 29th December, 1696.
 (6) Margaret Barker, baptised at Melling on 26th March, 1698.
 (7) Richard Barker, baptised at Melling on 27th January, 1700-01.
 (8) Jane Barker, baptised at Melling on 5th February, 1704-05.

The above-named eldest son, Bryan Barker, succeeded to the farm on his father's death in 1715. His acknowledgement of the receipt of a legacy under the will of his grandfather, Francis Carrington, is extant, dated 15th June, 1713 (see Procter Deeds, No. 59). He died unmarried and intestate in 1731, and administration of his property was granted on 18th September, 1731, to his half-brother, Thomas Barker, as above stated.

This farm was probably purchased by one of the Tomlinsons of Arkholme, who later became Tomlinson of Biggins, near Kirkby Lonsdale, and is now (1927) the property of William Smith Paget-Tomlinson, esquire, M.D., of The Biggins, Kirkby Lonsdale.

SNAB GREEN.

Snab Green is a farm situated in the northern part of the township on a by-road leading to Cinderhill, and is due east of Gunnerthwaite farm. The name Snab Green has not been found in the church registers, as published, nor has it appeared in any legal proceedings, so that the early history of this farm, if any there be, has not transpired. In 1715 it was called Snabhouse in Cawood.

It was originally a small holding round the Snab House, and belonged to a member of the Cort family of Pool House in Arkholme village. Various small pieces of outlying property were purchased from time to time by the Corts and added to the original farm, viz. Dodding's tenement and Thompson's tenement lying nigh unto Docker Park, also some fields on the border of Arkholme and Newton, and even some in Newton.

By the year 1718, when a clear history of this holding can be begun, we find Richard Cort of Pool House, the owner and he, being heavily in debt, determined to sell this property to pay off his debts; for this purpose, he and Jane, his wife, on 2nd September, 1718, released the Snab estate to trustees, viz. : to William Cort, his son and heir, William Tomlinson of Arkholme, yeoman, and Robert Lawson, eldest son of Peter Lawson of Thurland Castle, yeoman, to sell the land and pay the debts which amounted to £1410.

On 1st February, 1726-27, William Tomlinson of Arkholme and Lettice, his wife, sell to William Smith of Arkholme, yeoman, and to his younger [second] son, Richard Smith, yeoman, the Snab House and 36 acres of land, formerly "the freehold of Richard Cort of Arkholme," subject to a free rent of 9s. 1d. to the Lord of the Manor.

On 25th May, 1727, William Smith sold this Snab property, and some other lands, to the said Richard Smith, his younger son, altogether 78 acres and 3 roods, on which a free-rent of 17s. was payable to the Lord of the Manor.

William Smith had an elder son, Henry Smith, who had left Arkholme, and his father did not know whether he was alive or dead, as appears from the next deed, which the said William Smith executed on 2nd March, 1744-45, by which he sold, to his grandson, William Smith of Snab, 8 acres and 2 roods of land lying near Docker Park; but containing a proviso that if Henry Smith (son of the grandfather) were living and personally demanded it, £160 was to be paid to him. From this we may gather that Richard Smith was dead, and had been succeeded at Snab House by his son, William.

The next deed is dated 22nd February, 1760, by which Richard Smith of Snab Green, gentleman, purchases from George Moore of Overtown in Tunstall, and John Smith of Arkholme, lands in Arkholme measuring 9 acres 3 roods 24 poles under a free or fee-farm rent of 1s. 9d. Here again we must assume that the father, William Smith of Snab, was dead and that his son, Richard, had inherited the property which had become large enough for him to style himself "gentleman."

On 3rd February, 1772, Richard Smith made his will, by which he left the Snab Green estate to his son, William, his heirs, etc., for ever charged with the payment of £50 to each of his grandsons and granddaughters, viz., Jane, Dorothy, Mary, John, Sarah, Richard, William and Anne Leaper being children of John and Sarah Leaper of Over Kellet, and also charged with £350 for his daughter, Jane Smith.

William Smith now entered in possession, and of him the only notice is that in the Hornby Award of Allotments after the inclosure of the moor at Arkholme, on 28th March, 1804, when he received certain allotments of moor. His will is dated 24th October, 1809, with a codicil of 9th March, 1810, proved on 24th June, 1811. By it

he left Snab House to his sister, Jane Bainbridge, for the term of her life, with an annuity of £100. He gave £30 a year to his brother-in-law, John Leaper, and legacies to his five nieces, viz., Jane Cundale, Dorothy Taylor, Mary Addison, Sarah Parker and Anna Skaife, and to Sarah and Mary Redmayne, daughters of his niece, Mary Addison [by her first husband]. The estate was to be let during the life of his sister, Jane Bainbridge, and subsequently sold when the proceeds were to be divided into fifths, of which one was to go to Sarah and Mary Redmayne, one to Jane Cundale, one to Dorothy Taylor, one to Sarah Parker, and one to Anna Skaife.

Jane Bainbridge, the life tenant, died on 29th April, 1817.

As the eldest niece, Jane Leaper, had married John Cundale of 11 Hart Street, Bloomsbury, Co. Middlesex, merchant, he purchased Snab Green estate from the executors of William Smith, for £7569, on 18th February, 1818.

Mr. Cundale made his will on 9th February, 1818, with a codicil dated 10th April, 1819, which was proved in P.C.C. on 20th July, 1819, by Jane Cundale, the widow, and two other trustees; by this will Snab Green was left to the widow for her life after whose death the estate was to be sold for the benefit of his children, who were:—

- (1) Sarah Cundale, married to Robert Parker.
- (2) John Cundale, afterwards of New Street, Kennington, Surrey.
- (3) Betty Cundale, married to Stewart Donaldson.
- (4) Jane Cundale, a spinster in 1819.

Jane Cundale, the widow, died on 13th April, 1840, and the estate was put up for auction at the Rose and Crown Inn, Kirkby Lonsdale, on 19th August of that year, when Ellen Cragg of Arkholme was the highest bidder, and the estate was released to her on 13th February, 1841. To find sufficient money to pay the purchase price, of £6821, she had to raise a mortgage of £5500 on 16th February, 1841, from a Mrs. Mary Thompson of Kirkby Stephen, Co. Westmorland, widow, of which sum her representatives repaid £2000 on 16th February, 1857; but still owed £3500 at the date of final settlement.

Ellen Cragg died on 19th October, 1842, having made her will on 9th October, 1840, proved at Lancaster on 4th December, 1843, by which she left all her real estate to her nephew, William Smith Cragg, on attaining his majority, which he did on 12th October, 1840. The balance of the mortgage money was paid off on 16th February, 1880, and the estate became the absolute possession of Mr. Cragg.

On the death of Mr. Cragg, on 31st October, 1903, the property passed, under his will, to his step-sister, Mrs. Clough of Lancaster, for the term of her life; and under her will to the sons of William Smith Paget-Tomlinson, esq., M.D., of the Biggins, Kirkby Lonsdale.

Mrs. Clough died at Lancaster on 30th May, 1922, and the present owners are the sons of Dr. Paget-Tomlinson.

SMITH OF SNAB GREEN.

William Smith of Arkholme purchases in 1727, tenements = . . .
near Docker Park and Snab House. Living in 1744.

Note: b = baptism at
Over Kellet.

1. Henry Smith left Arkholme. 2. Richard Smith. Buys Snab House. = ? Jane Barker married at Lancaster
Named in 1744. from his father on 25 May 1727. *d.v.p.* 27 June 1727.

William Smith of Snab House buys from his grandfather, = . . .
Thompson's tenement on 2 March 1744.

Richard Smith of Snab Green on 22 Feb. 1760. Will dated 3 Feb. 1772. = . . .

William Smith of Snab Green. Will dated 24 Oct. Jane S. died on = . . . Bainbridge. Sarah S. = John Leaper
1809. Proved 24 June 1811, *d.s.p.* 29 April 1817. of Over Kellet.

Jane L. b. 4 April = John Cundale. Dorothy L. b. 28 = . . . Taylor. (1) . . . Redmayne = Mary L. = (2) . . . Addison.
1756. Died in 1819. Feb. 1758. b. 30 Aug. 1759.

Sarah R. Mary R.

Jane C. John C. Betty C. = Stewart Sarah C. = Robert
Donaldson. Parker.

John Leaper Sarah L. b. 29 Oct. = . . . Parker. Richard L. b. 15 Jan. William Smith L. Anna L. = David
b. 19 June 1763. 1765. 1768. b. 14 Oct. 1770 b. 16 Feb. 1772. Skilfe.

Robert Parker. John Clince Parker.

CRAVEN VIEW.

This is a small modern house situated due south of Snab Green, with a holding of about 73 acres of land.

This land was originally known as Deepmire, and is probably the land from which the del Myres of Arkholme acquired their name. In the early sixteenth century it was owned by the Myres family of Docker, and was sold by one of them, viz., by John Myres of Thystylthwaite, in Co. Cumberland, gentleman, to James Cowper, Christopher Robynson and Thomas Faucett, who gave this land (some 51 customary acres) to the Rood Guild at Sedbergh in the year 1530. After the Reformation this land became the property of the Sedbergh Grammar School, and so remained with the addition of Lockha Bank until the nineteenth century, when the school trustees sold it,¹ and the purchaser built the house which he called Craven View.

The Deepmire is mentioned on 12th March, 1602-03, in the will of Richard Thompson, the younger, of Arkholme, wherein it is stated that William Barker of Deepmire was indebted to the deceased in forty shillings. In the next year, 1603-04, the same man receives a legacy from Thomas Barker of Arkholme, showing that there was probably some relationship between them.

These notices give the idea that there was some sort of dwelling-house on this tenement at those dates.

In 1922 Craven View was offered for sale for £3300.

THE HIGH IN CAWOOD.

This is a small farm of some 87 acres in extent ; the house is due west of Snab Green, and is approached by the road leading past the latter farm from whence it continues as an occupation-road.

When it is first heard of it was in the occupation of a William Barker, who is believed (though there is no direct proof) to have been the same person, who sold Lockha to Thomas Pearson of Halton on 31st January, 1593-94, which bargain was carried out on 27th February, 1597-98 (see under Lockha, p. 10).

The inventory of the goods of this man exists, dated 15th October, 1610, and the bond signed by his brother, Thomas Barker of Arkholme, on 8th October, 1611, to whom administration and the tuition of the children was given—but the children's names are not stated.

Apparently the farm fell to one John Barker of the High, who would be the eldest son ; his name appears on 23rd March, 1639-40, when he valued the goods of a Margaret Barker, and on 31st March, 1636, when he buried a daughter, Jane, at Melling. He was buried at Melling on 7th December, 1664, as of the High in Cawood.

¹ Platt, *Hist. of Sedbergh Grammar School*, 50.

To the above man succeeded a William Barker of the High in Cawood, who was named in the will of Anne Barker of Broomfield on 20th February, 1661-62, as was also his first wife (also named Anne), who was buried at Melling on 31st August, 1671. She was the mother of his children. His second wife was Mary Townson, whom he married at Melling on 6th September, 1675. When he died does not appear; but he had the following children, viz. :—

- (a) John Barker, baptised at Whittington on 6th May, 1658; of whom later.
 - (b) Christopher Barker, baptised at Whittington, on 14th June, 1663.
 - (c) Anne Barker
 - (d) Dorothy Barker
 - (e) Frances Barker
- } Named in the will of Anne Barker of Broomfield on 20th February, 1661-62.

Of the above-named John Barker the records show nothing beyond his baptism. He was succeeded, if he ever came into possession of the farm, by :—

William Barker of the High in Cawood, who had a wife, Margaret; his will is dated 19th March, 1686-87; the inventory (£94) is dated 28th March, and the bond, signed by the widow, is of 20th May, 1687. He was buried at Melling on 21st March, 1686-87; the register records it as 21st December, 1686, but as his will is dated 19th March, and the inventory 28th March, it is evident that the church register is wrong as to the month. He names all his children except his eldest son, William, who would inherit the farm of right, but William's name appears in the bond, as the children were all minors whose tuition was given to their mother. The widow, Margaret, was buried at Melling on 15th November, 1703. The family was :—

- (i) An infant buried at Melling on 5th April, 1676.
 - (ii) William Barker, eldest surviving son, baptised at Melling on 19th March, 1675-76; buried there on 9th April, 1702, unmarried.
 - (iii) James Barker, baptised at Melling on 6th March, 1686-87, of whom later.
 - (iv) Margaret Barker, eldest daughter, to have £4 a year for her life out of a close called Hote (11a.) near Storrs, under her father's will.
 - (v) Elizabeth Barker, to receive £30 under her father's will.
 - (vi) Deborah Barker,
 - (vii) Mary Barker
 - (viii) John Barker, to get £20 under his father's will.
- } Each to receive £10 under their father's will.

The legacies were to come out of the following fields, viz.: Far Close (2a.); Hessles (1a.); Far and Nar Great Fields (4a.), and Aughtwood field (3a.), all in Cawood.

The above-named James Barker succeeded to the High on the death of his brother, William, in 1702. He appears to have held the Holmhouse farm in Whittington parish, and his children's baptisms are to be found in the register of that parish church. He probably put a hinde into the High in Cawood until his lease of Holmehouse farm was up. He had a wife named Elizabeth, as appears from his will, which was made on 16th September, 1731; inventory (£73), dated 22nd September, and proved on 2nd November of that year. He left the following family, viz. :—

1. Margaret Barker, baptised at Whittington on 22nd July, 1705, married to Edward Sutton, she was to receive £5 under her father's will.
2. Ellen Barker, baptised at Whittington on 25th January, 1707-08; she was to have an annuity of 20s. for her life, after the death of her mother, and to have the close called Hote (11a.) near Storrs.
3. William Barker, baptised at Whittington on 20th October, 1711; to have all real estate at the High.
4. Elizabeth Barker, a twin with the above, baptised on the same day; buried on 9th January, 1711-12.

When the tithe map was made, about 1844, this property belonged to Richard Hodgson, of Lancaster, flour-dealer.

ARKHOLME MILL.

This mill was situated on Beckerthwaite Beck; it is referred to in a Snabb Green Deed dated 9th March, 1690-91 regarding the sale of a close of land called Longridge (1a. 3r. 28p. cust^y measure) adjoining the lands of Rich^d Dickonson on the east and on the common, called Newton Moor on the north, and on the Mill Dam on the west.

THE CHURCH.

An excellent and detailed account of the architectural features of Arkholme Church is given in Vol. VIII of the Victoria County History of Lancashire; there is therefore no object to be gained by repeating it, and any one desiring to know about it should consult that work.

Arkholme Chapel was originally a chapel of ease to Melling Church. The rectory of Melling having been given to the Abbot and convent of St. John, of Croxton Keyrial in Leicestershire, remained in their possession until the dissolution of the monasteries, when it fell into the possession of the Crown, after which it was sold or given to the Lord Montegale, and has remained in the possession of the Lord of the Honor of Hornby ever since, though parcels of the tithe have been sold at intervals.

In 1844 the Arkholme tithe was divided as follows :—

	£	s.	d.
The Lord of the Honor of Hornby	29	15	3
The Vicar of Melling	2	8	1
Betsy Procter	3	0	0
An unnamed person	6	0	0
Wm. Wilson Carus-Wilson	3	0	0
Total .	<u>£44</u>	<u>3</u>	<u>4</u>

In 1848 the curate of Arkholme had a small estate of 24 acres 0 roods 18 poles, lying in Newton in Whittington parish, on which the tithe due to the rector of Whittington was £2 4s. 10d. And on the enclosure of the moor in Newton he had received an allotment of 7 acres 0 roods 10 poles, on which the tithe was 11s. 11d.

The ancient emoluments of the curate of Arkholme appear to have amounted to the sum of £4 13s. 4d., called the "priest's silver" and was collected by fixed contributions from the landed estates. The amount is exactly seven marks, as levied in 1650 when the Commonwealth Church Survey was made; but originally five marks would have been the stipend which would be increased as the value of money declined. The Commonwealth gave Mr. Foster, the minister at that time, an increase of £40 a year out of the tithes payable to the Lord Morley of Hornby Castle.

On the collapse of the Commonwealth, in 1660, matters returned to the same state as before, viz., £4 13s. 4d. as the priest's wage; but by 1717 it had been raised to £8 10s. 0d. In later times some augmentations have been secured. In 1880 the value was said to be £85 a year, and by the beginning of the twentieth century it had been increased to £106.

THE CURATES.

Oc. 1560. Sir William Barker, probably a local man, occurs in the will of John Townson of Arkholme on 28th October, 1560; this testator also names Sir John Andrewe, the then vicar of Melling. This vicar, John Andrewe, made his own will on 22nd October, 1563, wherein he names another curate, Sir George Holme, who may have been curate at Arkholme, though it is more likely that he was the curate of Hornby, as Melling had the two dependent chapels of Arkholme and Hornby at each of which there was probably a resident curate.

Oc. 1566. George Dicconson, priest, made his will, on 12th September, 1566, and was probably the immediate successor of William Barker.

- Oc. 1567. Thomas Harres, "priest at Argholme," made his will on 12th July, 1567, proved on 18th May, 1569. He was probably the immediate successor of George Dicconson, and his will shows him to have been a local man.
- Oc. 1603. Richard Stith appears to have succeeded as he is named as "curate of Ergholme" in the will of Thomas Barker of Ergholme on 28th January, 1603-04.
- Oc. 1605. John Wildman is named as curate of Ergholme in the will of Robert Taylor on 17th February, 1605-06.
- Oc. 1610. Mr. Mann was stipendiary reader about 1610 (see *Vic. C. Hist. Lancs.*, VIII, p. 206).
- Oc. 1623-30. William Ellisson is named as curate in the will of Agnes Widder of Brownedge on 31st January, 1623-24, and also in that of John Burton on 10th March, 1629-30. *Note*.—A person of the name of Ellison (christian name illegible) was buried at Melling Church on 6th February, 1642-43.
- Oc. 1650. Mr. Foster is mentioned as officiating in 1650, when the Commonwealth Church Survey was made; but nothing more is known about him. The burial register of Melling has a gap from 1654 till 1660, therefore his burial, if it occurred at Arkholme, is not to be found.
- Oc. 1654. John Ayckridge was appointed in 1654. He became curate of Ingleton and finally vicar of Thornton-in-Lonsdale.
- Oc. 1658. Thomas Whitehead may have acted as curate at Arkholme, though his name appears in the Whittington Church Register at the baptism of his child, Alice, on 9th January, 1658-59, when he is called "schoolmaster of Arram," and is stated to have come from Orton in Westmorland. His marriage with Agnes Harling is recorded in the Tunstall Church Register on 27th September, 1651. At the burial of his wife at Melling, on 29th January, 1685-86, he is styled "Dominus," and at his own burial at Melling, on 24th January, 1691-92, he is styled "clericus." That he was not curate the whole time is clear from the fact that James Talbot was curate in 1660; but he may have acted during a vacancy.
- Oc. 1660. James Talbot was undoubtedly the curate in 1660 as his marriage is thus recorded in the Tunstall Church Register: "Mr. James Talbot, Minister of Archolme and Agnes Baynes of Middleton in the parish of Kirkby Lonsdale—5 July, 1660." Calamy states that he was ejected in 1662 for non-conformity; but he remained in the place, probably ministering secretly to such of his old congregation as were attached to the presbyterian form of worship, as he is named for a legacy in the will of Brian Widder of Arkholme on 22nd June, 1666. He was buried at Melling on 2nd January, 1666-67; administration of his goods was granted, on 6th February, 1666-67, to his widow, Agnes, with the tuition

of William and Jane, their children. The inventory of his goods, taken on 18th January, amounted to £50 11s. 4d., whereof £40, was for books.

- Oc. 1666. Anthony Lund had charge of the two curacies, Arkholme and Gressingham, and appears to have been the immediate successor of Mr. Talbot. His name occurs in the above-mentioned will of Brian Widder in 1666, and he is named for the last time in that of Elizabeth Burrow of Archolme on 2nd June, 1676.
- Oc. 1677. Anthony Procter was the curate in 1677; but for how long he served this Cure has not been found.
- Oc. 1725. Alexander Bagot, B.A., also united the two curacies of Arkholme and Gressingham, and so continued until his death in February, 1758. The personal history of this curate is given in the *History of the Township of Gressingham* by the present author.
- Oc. 1758. John Wilson was appointed in 1758; he was the headmaster of Kirkby Lonsdale Grammar School, and therefore could only undertake Sunday duty. He died on 3rd March, 1792, aged 77 years; his scholars erected a tablet to his memory in the church at Kirkby Lonsdale, on which they recorded "their high sense of his learning and assiduity, his charity and religion."
- Oc. 1792. Robert Cort came to this curacy in 1792, but only held it for a year, being offered the curacy of Kirkby in the parish of Walton-on-the-Hill, which he held from 1793 till 1850. He wished to found a charity in Arkholme, but died before doing so, therefore his daughters gave an endowment of £15 a year to the school. One Thomas Cort, in 1715, had left 8s. a year for teaching children.
- Oc. 1793. Jacob Fletcher was appointed in 1793.
- Oc. 1797. John Dobson became the curate in 1797. He was the headmaster of Kirkby Lonsdale Grammar School, so could only take Sunday duty. He resigned in 1799 on obtaining the perpetual curacy of Hutton Roof.
- Oc. 1800. Henry Halliwell, M.A., Fellow of Brazenose College, Oxford, was appointed in 1800, but appears to have resigned in a short time. He was later rector of Clayton in Sussex from 1803 until his death, on 15th February, 1835.
- Oc. 1801. Henry Sill, M.A., of Brazenose College, Oxford, succeeded in 1801; he was also appointed to the rectory of Dean in Cumberland in 1804.
- Oc. 1826. Robert Dunderdale, M.A., followed in 1826.
- Oc. 1828. Richard Mallinson appears in 1828; he had been curate at Tatham.
- Oc. 1866. Thomas Machel Remington, M.A., of Trinity College, Cambridge, succeeded in 1866. He resigned in 1873 on being given the rectory of Cloughton in Lancashire.

- Oc. 1873. Joseph Hunter, M.A., of Christ's College, Cambridge, followed in 1873; he resigned in 1882, but lived in Arkholme until 1885. He ultimately died at Algiers.
- Oc. 1883. Thomas Robinson, appointed in 1883.
- Oc. 1893. Richard Hamilton Horsfall, M.A., of Durham, succeeded in 1893.
- Oc. 1907. William Shepherd, M.A., of Durham, appointed in 1907; he resigned in 1929.
- Oc. 1930. Arthur James Woodhouse, M.A., of Caius College, Cambridge, succeeded, coming from Calder Vale, Garstang.

There is a very ancient bell in this church, with an inscription in Lombardic capitals of fourteenth-century type, viz :—

+ IHC : NAZARENUS : REX : JUDEORUM : FILI DEI :

The bell is 21 inches in diameter, and the inscription is round the lower edge.

THE VILLAGE.

The village straggles down what is now a side road to the river. The houses show, in many instances, signs of having been built by people, of sufficient wealth and good taste, able to adorn their dwellings with handsome doorways.

Close to the cross-roads, on the main road is the Wesleyan Chapel, built in 1890. Near-by are some cottages, one of which was a public-house called the Joiners Arms in 1881; but it has been closed for some years—its place having been taken by the Bay Horse Hotel on the other side of the road. Nearly opposite to this hotel is the smithy, which was erected by James Yates of Arkholme, blacksmith, about the year 1817, on ground (a toft) belonging to one, John Charnley, on whose death, intestate, his son and heir, John Charnley, sold the ground (13 yards by 8 yards) on 9th July, 1818, to the said James Yates, who in turn sold it on 18th February, 1819, to John Cundale of Snab Green, and thus it came into the Snab Green estate.

Next to the smithy, only separated by a garden, is a farm-house called Providence, or by some Prospect, House.

Passing down the main street towards the river, the first noticeable building is a large barn on the north or left-hand side, bearing an oval tablet over the door, inscribed "John Hodgson 1794," called Undercroft Barn. Undercroft House to which the barn used to belong, is a good house on the opposite side of the road, but slightly to the westward.

The next house of note, on the south side of the road, is Willow

Cottage. It has plain mullion windows and an elaborately-carved doorway, the lintel of which has date and initials as follows :—

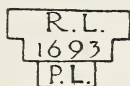


FIG. 1.

The door is deeply recessed, the jambs being moulded in three orders. The initials seem to indicate Robert Lawson and his son, Peter.

Further down the road we come to Poole House, which has plain mullion windows and a handsome doorway of three orders, with a carved head showing initials, date, rosettes and what appear to be the antlers of a deer.



FIG. 2.

This was one of the houses belonging to the formerly extensive family of Cort of Arkholme.

Richard Cort, of the Pool, Arkholme, made his will on 17th May, 1608, which was proved by his eldest son, John, on 22nd June, 1610. Evidently the house was rebuilt in 1674 by John Cort and his wife, Esther, daughter of Henry Storrs of Storrs (see p. 53).

Opposite to Poole House, on the north side of the road, is Goss House, at one time a handsome building, with plain mullion windows and a carved doorway of three orders, but it is not known what family lived here.

Rose Cottage comes next, on the south side of the road. It was rebuilt in 1868, and has a carved doorway of an elaborate kind.

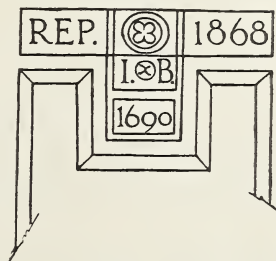


FIG. 3.

It is not known what family owned this house originally, but it was possibly Barker, of which name there were many in Arkholme.

Next we come to Cort House, on the north side of the road, almost opposite to the vicarage, but slightly to the west. The house has a small garden in front and has been modernised, but the doorway, which is heavily carved and moulded, bears a tablet :—



FIG. 4.

These initials stand for Richard Cort who, on 22nd January, 1684-85, married Jane Turner at Melling Church (see Cort Pedigree). There were some 20 acres of land attached to this house, and this property was sold by the Cort family, subject to a rent charge of £15 a year, payable to the trustees of the Arkholme school. This £15 is now used to provide bursaries for poor children at secondary schools.

Next door to Cort House comes Astic House (now called Laburnam Cottage), the old home of the Astic or Austwick family, which was settled here as early as the fourteenth century. They, however, steadily declined both in wealth and position, until the last to be traced was a John Astwick of Lancaster, a plumber and glazier, who became a Freeman of that town in 1826-27.

The vicarage is on the opposite side of the road to Astic House, but of its history nothing has been gleaned.

Next to Astic House, still going eastward, comes a house called Cawood House, but that name is of quite recent adoption. It is not a very ancient house, as over the door is a plain tablet, as here shown



FIG. 5.

having two rosettes in the top corners, a six-pointed star between the letters I and E, and the date 1748 below. It was probably erected by a member of the Smith family, who were numerous about that period. This house has been recently very much enlarged by Mr. D. Hopewell, its present owner.

Further up and on the north side of the road, we come to the largest fronted house in the village, called Carus House. In front, it

is a Georgian House to all appearance ; but on looking at it from the side, the old Jacobean mullion windows are visible, so that it has been merely refronted. Originally it was the home of a yeoman family called Dickonson, which ended in two co-heiresses. One married John Moore of Grimeshill, and the other one married William Turner Carus, a member of the Carus family of Wennington. Mr. Carus lived here, and appears to have added the Georgian front to it, and it has been called Carus House ever since. It ultimately came into the possession of Mr. William Smith Cragg, and under the will of his sister of the half blood passed to the Paget-Tomlinsons, who are the present owners.

Passing along, we come to where the road splits in two ; the right-hand, or southerly branch going down to the ferry across the river, passes an ancient tenement called Boat House, where the ferryman lived who in 1694 and 1697 was a John Cort, as shown by the Melling Church Registers.

The left-hand, or northern branch of the road leads towards the church, and passes two houses on the right-hand side, called Cross House and Basket Cross House, in the latter basket-making has been an industry time out of mind.

On the left-hand side of this road stands a house called The Nook, or Chapel House, which at one time belonged to the Tomlinson family of Arkholme and had their coat of arms (three greyhounds courant) over the old doorway, at what is now the back of the house, for it has of recent years been refronted. At present (1929) it is owned by Mr. Hall of Lancaster.

SMITH FAMILY OF ARKHOLME.

Many persons bearing the surname of Smith occur in the Melling Church Registers as belonging to Arkholme ; but the difficulty of identifying them renders an extended pedigree almost impossible. Yet the following account of one of them, whose descendant became the largest landowner in the township, may be of interest.

John Smith of Arkholme married Ellen Bordrigg at Whittington on 5th June, 1740, she, on the death of her brother, William Bordrigg, became entitled to one-third of the manor of Whittington, which third part her husband sold to Miles North of Kirkby Lonsdale in 1796. He appears to have purchased Carus House in Arkholme from the Carus family. This couple had the following family, viz. :—

- i. William Smith, only son, baptised at Melling, 9th June, 1745. He died unmarried, and was buried at Melling on 24th December, 1819, having made his will, dated 28th June, 1819, proved at Lancaster 4th March, 1820, by which he left a large landed estate to his nephews and legacies to his nieces, and which gave rise to a suit in Chancery between the Abbots and Craggs.

2. Mary Smith, baptised at Melling, 24th May, 1741, eldest daughter, who married John Abbot, who, under the will of William Smith in 1819, became owner of the ancient farm-house at the top of Mitchelgate in Kirkby Lonsdale, which since then has been known as "Abbot Hall." This couple had issue, viz. :
 - (a) John Abbot, who married, firstly Eleanor Whitehead, in August, 1805 ; she died in July, 1811, having had three children, viz.—
 - (i) William Abbot, born in October, 1805, died unmarried in April, 1827.
 - (ii) Thomas Abbot, born in March, 1809 ; died in March, 1810.
 - (iii) Mary Abbot, born in April, died in June, 1811.
 - John Abbot married, secondly, at Springville, near Gretna Green, Agnes Theobalds, in February, 1817, and by her had :—
 - (iv) Robert Abbot, born in 1817.
 - (v) Joseph Abbot, born in Nov. 1819. } One of these had a descendant Rich'd Abbot in S. Africa.
 - (b) Eleanor Abbot, died in July, 1840, unmarried.
 - (c) Richard Abbot, died in September, 1844, leaving four daughters.
 - (d) Agnes Abbot, died in 1861.
 - (e) Mary Abbot, died unmarried in 1825.
 - (f) Isaac Abbot, who died several years before the lawsuit.
3. Alice Smith, dead before 1773, when her illegitimate son, Benjamin Smith, was apprenticed, with the consent of his guardian, William Smith, to William Blackmore of Lancaster, cabinet-maker, from 9th October, 1773, for seven years ; enrolled in the Lancaster Apprentice Roll on 2nd April, 1774. Benjamin Smith was living in 1819, as he was named for a legacy in his uncle William Smith's will ; but he died soon after.
4. Ann Smith, baptised at Melling, 20th February, 1742-43 ; married to Isaac Cragg, and died before 1819, leaving issue, viz. :—
 - (a) John Cragg, who was buried at Melling on 15th July, 1834, aged 66 years. His will is dated 10th July, 1833, with a codicil of 1st February, 1834. By his wife Hannah he had issue, viz. :—
 - (1) William Smith Cragg of Carus House, Arkholme, who died unmarried in 1903, and by his will left his estate to his half sister, Margaret Bownass, for her

PEDIGREE OF SMITH, ABBOT AND CRAGG OF ARKHOLME.

John Smith of Arkholme = Ellen Bordrigg, married at Whittington 5 June 1740.

William Smith of Arkholme,
baptised at Melling, 9 June
1745; buried 24 Dec. 1819,
unmarried.

Mary Smith
baptised at
Melling, 24 May
1741.

= William Abbot

Alice Smith—
died before
1773.

Isaac Cragg = Ann Smith
baptised at Melling
20 Feb. 1742-3.
died before 1819.

John
Abbot

= (1) Eleanor
Whitehead,
married in
Aug. 1805,
died in July
1811.

= (2) Agnes
Theobalds,
mard. at
Springville,
Gretna
Green, in
Feb. 1817.

Eleanor A.
died in July
1840 un-
married.

Richard A.
died in
Sept. 1844.

4 daughters.

Agnes A.
died in
1861.
Mary A.
died in
1825.
Isaac A.

Benjamin S.
living in 1819.

John Cragg
buried at
Melling, 25
July, 1834,
aged 66 years.

= Hannah
Parker.

= Roger
Bownass.

Richard C.
died *s.p.*

Jane C.
died in
1825 *s.p.*

Ellen Cragg
died un-
married
in 1842.

William A.
b. Oct. 1805,
d. Apl. 1827

Thomas A.
b. Mar. 1809,
d. March 1810

Mary A. b. Apl.
1811, d. June
1811

Robert A.
b. Apl. 1817.

Joseph A.
b. Nov. 1819.

William Smith Cragg of
Carus House, Arkholme,
born 12 October 1819.
Died unmarried
31 October 1903

Alice C. = John Preston

Ann C.

Ellen C.

John Bownass

. . . B.

Margaret B. died
at Lancaster
30 May 1922,
aged 75. *s.p.*

= Alfred
Edward
Clough of
Arkholme

[To face page 50.

life, and she left it to the three sons of William Smith Paget-Tomlinson, M.D., of the Biggins, near Kirkby Lonsdale.

(2) Alice Cragg, who married John Preston.

(3) Ann Cragg.

(4) Ellen Cragg.

On his death in 1834 his widow, Hannah married Roger Bownass of the Ellers, in Middleton, in Lonsdale, by whom she had issue, viz. :—

I. John Bownass.

II. — Bownass.

III. Margaret Bownass, who married Alfred Edward Clough of Arkholme, schoolmaster, and died without issue at Lancaster on 30th May, 1922, aged 75 years.

(b) Richard Cragg died before 1819.

(c) Jane Cragg died in 1825.

(d) Ellen Cragg, who purchased Snabb Green in 1840 (see *ante*, p. 38). She died on 19th October, 1842, unmarried. Her will, dated 9th October, 1840, was proved at Lancaster on 4th December, 1843, by which she left all her real estate to her nephew, William Smith Cragg.

OLD LOCAL GOVERNMENT.

In the parish books of the old system of local government we can trace the mediæval system of government gradually expiring. There are still the Overseer of the Poor furnished by each house in rotation to serve for one year—the Constable and the Surveyor of Highways, supplied in the same way; but gradually the wealthier inhabitants are permitted to hire substitutes to do the work for them, until at last the various offices become paid appointments, and are finally put into the hands of professional men.

The only institution which has survived the eroding effect of time has been the Church, which in its yearly vestry meeting, still carries on its Church work, though it has been shorn of its local governing power.

Until very recent times, the vestry was the governing body, consisting of the vicar or minister, as chairman, and the rate-payers of the township, who alone were entitled to vote at meetings. It appointed the local officials, viz., the Overseer of the Poor, the Constable and the Surveyors of Highways, of whom there were two, audited their accounts and voted the assessments for their expenses.

As Arkholme Church was a chapel of ease under Melling, the vestry elected churchwardens to attend the Melling vestry to represent the needs and wishes of the Arkholme people, and in addition it elected

its own Chapel Wardens, who had the care of the local chapel. Lists of churchwardens exist from 1720 to 1788, and of chapel wardens from 1721 to 1855.

Lists of the Overseers of the Poor run from 1729 to 1844, and their accounts are extant. Amongst these there is a note dated 5th June, 1773, as follows: "Be it remembered that the sum of £6 16s. is this day paid unto Robert Dean, Overseer of the Poor, of Arkholme with Cawood, by Mr. William Smith, being money left by one Pooley, which his late father and the late Mr. William Tomlinson were Trustees for and which Robert Dean is to apply to the use of the poor and account for."

The lists of Constables run from 1774 to 1810; in the first-named year James Guy served the office, and disbursed £14 17s. 1½d., his salary in 1786 was £2 2s., and on 2nd June, 1787, an audit of his accounts was held by Dickonson Carus, Robt. Green, William Smith, Thomas North, William Smith [a second one], Edw^d. Higham and John Holme. This James Guy remained as Constable until the end of 1789.

The lists of Surveyors of Highways commence in 1768. They submitted their accounts yearly at the vestry meeting until the year 1777, after which there is a break until 1783, when Henry Harris and Richard Taylor were appointed; but their accounts are left uncompleted, and nothing more appears in the book regarding the Highways.

These accounts, after audit by the vestry, were inspected and allowed (or disallowed) by two county justices of the peace, deputed by the Court of Quarter Sessions for that purpose.

The account of the Overseers of the Poor for the year 1851-52 shows that £191 9s. 8½d. was raised by a rate, but the expenditure was £219 19s. 10½d., leaving a balance due to the Overseers of £28 10s. 2d. This account was audited by the following rate-payers, viz.: Wm. Smith Cragg, Marmaduke Swindlehurst, Thomas Baynes, John Nelson, John Hodgson and Thomas Smith. To which is added: The foregoing accounts are allowed by us, two of H.M.'s Justices of the Peace for the County of Lancaster, the same having been first verified on the oath of Thomas Lawson, Assist^t. Overseer, the 13th day of April 1852.

(Signed) W. B. BOLDEN.

JOHN CHIPPINDALL.

The accounts were allowed in this manner up to 1st April, 1856; after which date a District Auditor, a Mr. Will. Rees, audited the accounts on 18th June, 1857, for the first time, and then quarterly up to the year ending in March, 1866.

CORT OF THE POOL IN ARKHOLME.

Richard Cort of the Pool in Arkholme, yeoman. Made his will on = wife dead before 1608.
17 May 1608; proved 22 June 1610.

John Cort of the Pool, yeoman = Jennet . . . Signs Bond to
executor to his father. Died Administer on 12 March
intestate. Inventory 6 March 1639-40.
1639-40. Buried at Melling
28 Feb. 1639-40.

Edward C. named in his
father's will in 1608.
Thomas C. also named
in 1608. Died intestate.
Inventory 8 Feb. 1617-18.

= John Astwick of Ark-
holme. Named as son-
in-law in 1608. Buried
at Melling on 23 Dec.
1634.

Richard Cort of the Pool = . . .

Elizabeth A. named in
Will of her grandfather
Cort in 1608.

(53) John Cort of the Pool. Called = Esther dau. of Henry
son-in-law in Will of Henry Storrs by his second wife.
Storrs of Storrs in 1662. Buys
Spittle Tarn on 10 June 1668.

Richard Cort of the Pool, bap- = Jane Turner of Melling.
tised at Melling on 11 Sept. Married at Melling on 29
1664. Owned Snab Green Jan. 1684-5.
which he sold on 2 Sept. 1718,
to pay his deb'ts. Had enfran-
chised some land in 1711.

Arthur Cort bapt. at Mel-
ling 11 Oct. 1668.

Jane C. bapt. at Melling
on 26 Dec. 1675.

John Cort bapt. at Melling on
5 Oct. 1685, buried 21 June
1686.

William Cort bapt. at Mel-
ling on 28 Nov. 1688.
Called heir-apparent on
6 Feb. 1718-19.

Esther Cort bapt. at Mel-
ling on 6 June 1691. Mar-
ried by License at Latham
on 7 June 1712.

= Robert Backhouse of
Borwick, husbandman.

Note.—To complete this pedigree the registers at Melling Church must be consulted, as they have not yet been published for the eighteenth and
nineteenth centuries.

CORT OF ARKHOLME, NO. I.

John Cort of Arkholme, made his will on 14 August 1583. = Jane . . .
Inventory (£26. 5. 10) dated 18 Oct. 1583. To be buried
at Melling.

Edward Cort, called eldest son = . . .
Made his will on 8 Sept. 1593.
Inventory £20. To be buried
at Melling. Said to be dead
in his brother Arthur's will
1600.

James Cort = Isabel Burrow. Married at
Thornton in Lonsdale on 22
April 1582.

Arthur C. of Melling. = Margaret Bateson. Executrix
Will d/ 19 Dec. 1600.
Inventory (£74) d/ 20
July 1601; proved
14 Aug. 1601. Died
s.p.

John Cort about 18 years old in = . . .
1593. Named in his father's & his
uncle Arthur's will.

Edward C. named
in will of his uncle
A.C. in 1600.

A dau. = Richard Lucas.
Named in will of
Edw'd C. in 1593.

Jennet C. Elizabeth C.
both named in will of
Arthur C. in 1600.

Edward Cort, named in the will of Jane = . . .
Widder on 26 Dec. 1646; also in the
will of Rich'd Cort of the Pool in 1610.
Buried at Melling on 24 October 1668.

John Cort of Arkholme = Jennet . . .

Edward Cort = (1) Alice Ward of Arkholme.
baptised at Marr'd at Melling 21 Jan.
Melling on 25 1699-1700, bur'd. 28 May
Aug. 1662. 1720.

(2) Elizabeth Procter of
Gressingham, widow,
marr'd. at Gressingham
on 22 Jan. 1721-2 by
License.

Mary Cort
bapt'd at Melling
on 20 Oct. 1663;
bur'd. 11 Feb. 1663-4.

CORT OF ARKHOLME, NO. II.

John Cort of Arkholme =

William Cort, named in will of Wm. Dickon-
son c. 1590.

Arthur Cort, named in will of Wm. Dick-
onson c. 1590. Buried at Melling on 13
May 1633. Inventory d/ 21 May 1633.

John Cort of Arkholme, Mar- = Jane dau. of Robt. Taylor
ried at Whittington 29 Jan.
1662-3. Bur^d, at Melling 17
May 1676. Inventory d/ 19
May 1676.

Margaret C. Bur^d.
at Melling on 31 Dec.
1636.

Richard Cort. Sells, on 27 = Margaret . . .
to Elizabeth Moor Close (5a)
Thompson.
Bur^d, at Melling on 25 Feb.
1683-4.

(5a) William Cort bapt^d. Robert Cort bapt. = (1) Jane Barrow.
at Melling on 20 at Melling 27 Jan.
Nov. 1664, bur^d. Marriage License at
1707-8.

John C. a minor in
1676.

William C. bapt.
at Melling 21 May
1676.

Agnes C. bapt.
at Whittington
18 April 1658.

Arthur C. Sells
with his mother,
on 9 March
1690-1, a close,
Longridge. (1a
3e. 20 p.).

Thomas C. bapt.
at Melling 3 July.
1664.

Anna C. bapt. 3
July 1664 bur^d, 25
Dec. 1664.

Jane Cort bapt^d.
at Melling 5 Aug.
1708.

= (2) Mary Waller
mar^d, at Tatham
on 25 April 1709.

Jennet C. a minor
in 1676.

Elizabeth C.
bapt. at Melling
12 April 1710.

Esther C. = William
bapt. Melling Mercer of
3 Oct. 1713. Hornby
mar^d, 16 Feb.
1736-7.

Ellen C.
bapt. Melling
29 July 1721.
Bur^d, 4 Dec.
1721.

PEDIGREE OF BARKER OF ARKHOLME.

Peter Barker of Arram
Inventory of goods dated
4 Jan. 1586 (£3).

William Barker, of Cawood,
Inventory dated 15 Oct.
1610.

Peter Barker =

William Barker of Arkholme. Pur-
chased an estate from Robt. Green,
the elder, of Cawood for £36. 6. 8.
Buried at Melling 6 April 1642. Will
dated 20 Feb. 1641-2; Inventory. 14
April 1642 (£50).

Thomas Barker, super-visor of will of his
brother in 1642.

Thomas Barker of Cawood. Signs the
bond to administer his brother's goods
during the minority of the Children.
Makes his own will on 8 Dec. 1638;
will proved 11 July 1639. Buried at
Melling 11 Dec. 1638 as T. B. "senior."

Executrix to
her husband.
Living in 1639.

Bryan Barker

others.

3 children.

(56)

Peter Barker of Arkholme =
named in his father's will in
1642. Buried at Melling on
23 April 1670.

Elizabeth B. = Edmond Mayre of
Arkholme. Buried
at Melling 15 June
1653.

Jennet Barker, of Arkholme,
executrix to her father in 1642.
Makes nuncupative will on 30
July 1676. Buried at Melling
on 12 Aug. 1676. Unmarried.

William Barker of Arkholme, = Margaret
yeoman, Buried at Melling on
3 June 1676. Will dated 26 May
1676; Inventory. 7 June 1676 (£69).

Executrix to her husband
in 1676. Signs the Bond
on 10 July 1676

Peter Barker of Arkholme. Named
in will of Jennet Barker on 30 July
1676. Makes his will on 16 March,
1726-7; proved on 18 Nov. 1728.

Mary Hutton of Beethom
parish. Married at Lan-
caster 24 June 1699.

Jennet Barker
Named in will of
Jennet B. on 30 July
1676.

Ellen Barker
Named in will
of Jennet B. on
30 July 1676.

William Barker of Arkholme
named in his father's will as
eldest son. To have the free-
hold lands &c. Residuary
legatee and sole Executor, on
18 Nov. 1728.

Margaret B.
baptised at Mel-
ling 7 Feb. 1702-
1703.

Agnes B.
bapt. at Melling
3 June 1705.

Jennet B.
bapt^d. at Melling
25 Feb. 1708-9.
"Mary" in her
father's will.

Alice B.
bapt^d. at Melling
1 Oct. 1710. Called
"Mary" in her
father's will.

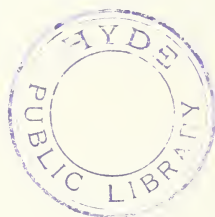
John Barker
bapt^d. at Melling
30 Aug. 1713.

Sarah B.
bapt^d. at Mel-
ling 10 June
1717.

WITHERS OF ARKHOLME.

William Withers of Arkholme = . . .
Buried at Melling on 10 June
1684.

Margaret W. buried at Melling on 19 Nov. 1632.	John Withers of Arkholme, bapt ^d . at Melling 30 March 1634; buried 22 May 1676. His Will dated 12 May 1676; Inventory 30 May; Bond 10 July 1676.	= Jane dau. of Robert Eskrigg of Eskrigg. Married at Whittington by License 29 Oct. 1667. Buried at Melling 24 June 1676. Her Will dated 9 June 1676; Inventory 1 July; Bond 10 July 1676.	Thomas Withers, clerk in Holy Orders. Entered St. John's Coll. Camb. in 1658, aged 18. B.A. 1662-3; M.A. 1666. Curate of Over Kellet 1669-72; do. of Lancaster 1675-77. Rector of Halton 29 June 1677. Died 26 May, buried at Halton 28 May 1706, aged 64.	= Agatha dau. of Richard Tatham of Tunstall. Bapt ^d . at Tunstall 2 Oct. 1639. Buried at Halton 18 Nov. 1719.	Bryan Withers of Arkbolme Died unmarried; buried at Melling 3 July 1666. His Will dated 22 June 1666.	Agnes Withers married at = John son of Giles Moore of Middleton (Grimeshill). Named as brother-in-law in will of Bryan Withers.
Jennet W. bapt ^d . at Melling 21 Nov. 1630; bur ^d . 17 Dec. 1630.						
William Withers bapt ^d . at Melling 30 Aug. 1668. Educated at Lancaster. Admitted pensioner to Christ's Coll. Camb. 8 Nov. 1686, age 17 [?] B.A. 1690-1; M.A. 1694; Fellow 10 Dec. 1692.	Robert Withers bapt ^d . at Melling 8 Jan. 1670-1. Educated at Lanc ^r . under Mr. Lodge. Admitted pensioner to Christ's Coll. Camb. 23 Oct. 1690. B.A. 1694-5; M.A. 1698. Rector of Gately on presentation of Coll. Died in 1718; left a legacy to the Rectory of Gately.	Bryan Withers named in his father's will in May 1676.	1. Mary Withers bapt ^d . at Bolton-le-Sands on 4 Aug. 1669. 2. Martha Withers bapt ^d . at Bolton-le-Sands 29 Oct. 1672. Bur ^d . at Lancaster 24 April 1677.	3. Edmund Withers bapt ^d . at Lancaster 29 March 1675. Educated at Bingley Yorks. Admitted pensioner to Christ's Coll. Camb. 27 April, 1691, age 16. B.A. 1694-5, Master of Doncaster School 1707-37. Ordained deacon at York in 1695; priest 1699. Died in 1744, aged 70.	4. William Withers bapt ^d . at = Halton on 12 Aug. 1677. Admitted to Christ's Coll. Camb. 3 Aug. 1692; B.A. 1696-7. Ordained priest at York in May 1711. Vicar of Tunstall, Lancs. 1718-37. Buried at Tunstall 4 Sept ^r . 1737, <i>s.p.</i>	Isabella d. of Rev ^d . Edmund Tatbam, vicar of Tunstall. Married at Tunstall 11 Oct. 1709. Buried there 18 Jan. 1734-5.
						5. Elizabeth W. bapt ^d . at Halton 9 Nov. 1679; bur ^d . 11 Jan. 1688-9.
						6. Thomas Withers bapt ^d . at Halton 21 Aug. 1682.



APPENDIX

P. 44.—John Aykridge was baptised at Kirkby Lonsdale on 5 March, 1628-9, as son of James A. of Mansergh. He was at Sedbergh School from whence he proceeded to St. John's Coll., Cambridge, in 1647. He took his B.A. degree in 1650-1; M.A. in 1655. He may have been at Arkholme earlier than 1654. From there he went to Ingleton as Curate and was married there on 18 May, 1661. He had a daughter baptised at Ingleton in 1662 and he was called "minister." On 17 January, 1663-4, he read himself in as Vicar of Thornton-in-Lonsdale. He died at Thornton and was buried there on 7 December, 1708, aged 82, having been Vicar for 45 years.

P. 44.—Thomas Whitehead occurs in 1658-9 as schoolmaster only, but in November, 1664, as Reader and schoolmaster. He may therefore have succeeded Mr. Talbot as Reader.

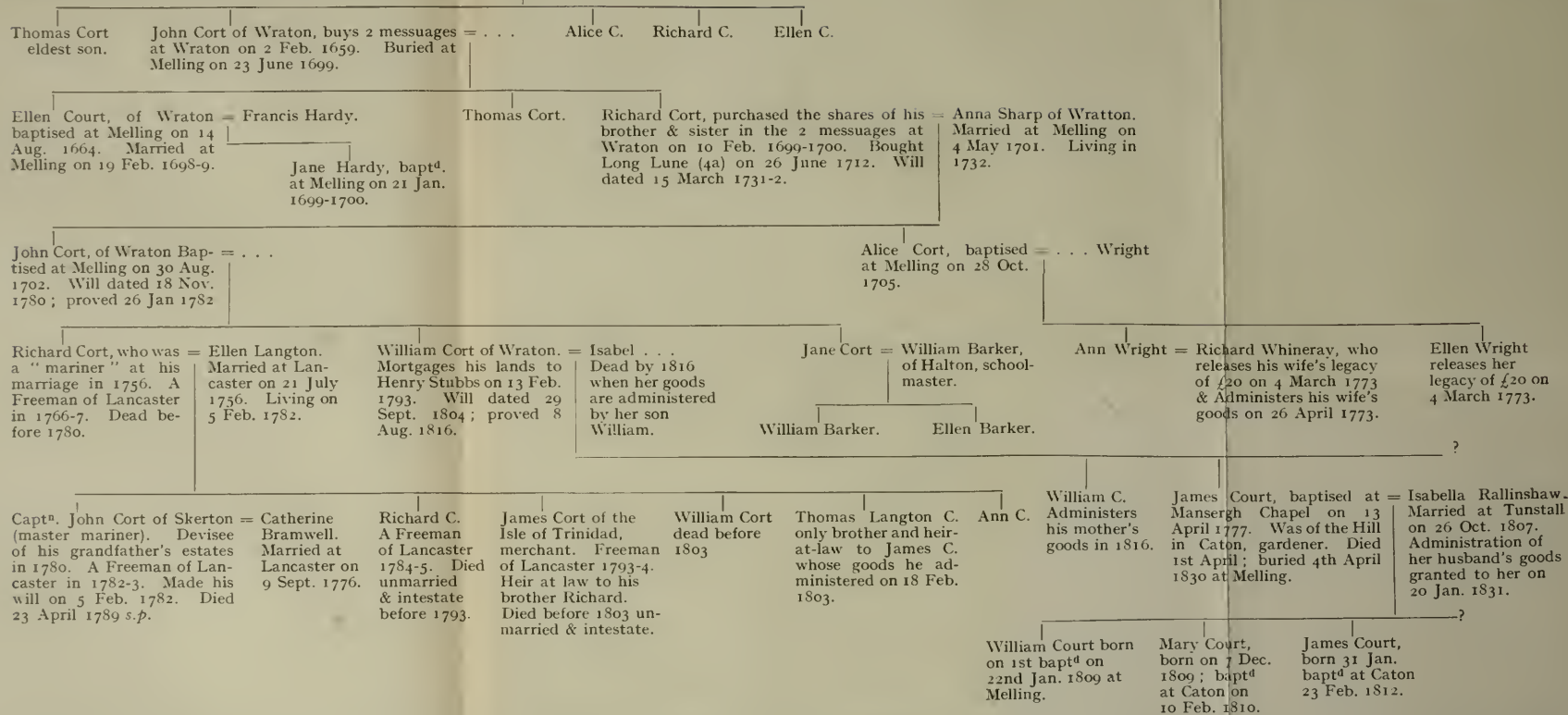
P. 45.—Anthony Lund, M.A. of Glasgow, was incorporated at Cambridge in 1672. He died at Arkholme as is proved by his will dated at Arkholme on 27 September, 1676; Inventory taken on 30 September, 1676; Bond signed on 10 May, 1677, by Robert Lund of Malham, co. York, yeoman, who was father to the deceased Anthony. As his burial does not appear in the Melling register, he was probably buried at Kirkby Malhamdale. In his will he bequeaths to his brother, Mr. Henry Lund, his clothes, books, watch and chain. The Inventory amounted to £32 10s., and his father was his Executor and Residuary Legatee.

P. 45.—Anthony Procter was ordained on 24 December, 1676; he was licensed as Curate of Arkholme on 3 August, 1677, and was still there in 1684. He was Curate at Caton in 1689 and was married there on 5 June, 1693. Before that he had been presented to the Rectory of Claughton and had been instituted on 7 August, 1691; this preferment he held until his death in 1700 when an Administration Bond was filed in the Richmond Archdeaconry.

CORT OF WRATON.

John Cort of Wraton. Purchased, on 2 Feb., 1659 = Jane . . .
lands & houses for £536 from Edward Birley at Wraton. Buried
at Melling on 7 April 1665. Will dated 5 April 1665; Inventory
(93) dated 26 April 1666 [sic]; Bond dated 1 June 1665.

Authorities: Gillison-Bell Deeds.
Storrs Hall Deeds.
Melling, Tunstall, Caton, and
Mansergh Church Registers.



CORT OF BOAT-HOUSE IN ARKHOLME.

John Cort of Boat-house in Arkholme = Mary . . .
Died intestate. Inventory (£23) dated 27
Oct. 1671. Buried at Melling on 24 Sept.
1671 as "de Boat of Arkholme."

John Cort de Boat-house =

Jennet Cort
baptised at Melling
on 5 June 1687.

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SOME EWOOD DEEDS

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BY

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OF THE LAW SOCIETY

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SOME EWOOD DEEDS.

BY THOMAS WOODCOCK.

INTRODUCTION.

THE deeds here abstracted relate to the Ewood Hall estate, in the old township of Haslingden, in the ancient parish of Whalley in Lancashire, which was held in free socage of the manor of Accrington or honour of Clitheroe ; and they cover the whole of the period during which the estate belonged to the Reverend Roger Kay, who founded the Bury Grammar School and charged the estate with £25 a year in its favour, and his family. Certain of the original deeds from which the abstracts have been made are numbered 15 to 33 inclusive, and apparently this was done about 1819-22 by Robert Nuttall's solicitor. The earliest of these deeds bears the number 15, so that at that time there were fourteen earlier deeds, some of which have been briefly abstracted by Canon Raines in his Lancashire MSS. The earlier and later deeds have been numbered here for convenience of reference ; these numbers are placed in parenthesis, and it is a coincidence that fourteen earlier documents are here abstracted, so that there is a regular numerical sequence, because it is certain that these are not the same documents, although undoubtedly some would form part of the series.

Ewood is mentioned as early as 30-31 Henry III (1246), if Robert de Eywoode, who was fined one mark in connection with the burning of the grange of the Abbot of Stanlawe at Staining, came from Haslingden and not from Livesay ; this seems probable, because several other persons came thence, and his surety was William Smith of Rochdale.¹ It is again mentioned in 53 Henry III (1269), when Robert de Haslingden ² forfeited a messuage and sixteen acres of land

¹ Rec. Soc., XLVII, 91.

² It has been suggested that this Robert de Haslingden was Robert de Holden : there is some support for this in the fact that the Holdens held Cockham of Ewood, and the grant by Henry de Lacy to Robert de Holden in 1301 of lands at Haslingden formerly held by Robert, son of Gilbert de Holden et Mordriver (Che. Soc., XXI, O.S., 332) might be the restoration to the family of land forfeited by an ancestor for felony. This and two other grants to the de Holden family are given at length in Dr. Whitaker's *History of Whalley* (1876, II, 301,

in the township of Haslingden which he held of Hugh de Thewoode for killing Wyun de Haselinden.¹

According to the inquisition taken on the death of Henry de Lacy, Earl of Lincoln, in 1311, Sir Robert de Holand held of him a plat of land in Haslingden called The Ewod for which he paid yearly at the feast of St. Giles five shillings, he being one of the three free tenants there.² Consequent on the rebellion of Thomas, Earl of Lancaster, and Sir Robert de Holand, both Ewood and the Honour of Clitheroe or Blackburnshire were forfeited to the King, and two parts of the Manor of Le Ewode were let to William Chaidoke for fifteen shillings yearly,³ and accounted for by William de Tatham and John de Lancaster,⁴ and possibly another portion, viz., one rood and a quarter was let to Robert de Euwode at fourpence a year,⁵ because William de Wormestall holding one messuage and one acre and a half at a rent of eighteenpence appears three names earlier, Wormstallholme mill is situate in the old township of Haslingden (but now in the borough of Rawtenstall) about three-quarters of a mile to the north-east of Ewood Hall (about one-third of a mile from the boundary of the estate), and has been described as being in the Ewood.⁶ It was copyhold not freehold. The honour was granted to Henry, Earl of Lancaster, on 7th December, 1326, and this would include Ewood, which seems to have been restored to the de Holland family, for Thurston de Holland in 1352 complained of the depasturing of his grass at Ewood.⁷ In 1507 Hugh Gartside held the

quoting Harl. MS. 2074, f. 61), and presumably this version is correct, although they and other grants to the family differ textually in the various citations. The grant of 32 Edw. I (1303-4) surely relates to land in Broadhead Edgworth, which adjoins the old township of Haslingden, and not to land in the latter. (Cf. Che. Soc., CXII, O.S., 191; Baines' *History of Lancashire*, III, 404, citing Kuerden MSS., IV, H. 10, in the Herald's College.) On the other hand, Robert de Holden was so named in the assize rolls for 1246, in which there are several persons named de Haslingden, a name which appears again in 1258 (*Kirkstall Coucher*, (Thoresby Society, VIII), 21; Rec. Soc., XLVII, 121)). Henry de Haslingden was a juror in 1288, and 1300 (Rec. Soc., XLVIII, 269, 305), and Robert de Haslingden had held land in West Derby of Robert de Holand before the latter forfeited his estate (Rec. Soc., LIV, 83, 87, 207). It seems to be more probable that this suggested identification is mistaken. According to an article by Wilfred H. Holden in the *Haslingden Observer* for 30th August, 1930, Robert de Holdene was named in the pardon granted to Thomas, Earl of Lancaster and his fellows on 13th October, 1313, "for being concerned in the capture, detention, and death of Piers Gaveston," the favourite of Edward II. In 1318 he received another pardon as an adherent of the Earl together with Nicholas, Adam and John de Holden; in 1322 he was appointed Keeper of Hastings Castle; on 18th April, 1327, his oxen, etc., seized on account of his association with the Despensers were granted, but four days later he was again pardoned by the King.

¹ Rec. Soc., XLVIII, 235. This inquisition *might* afford evidence leading to important historical conclusions.

² Rec. Soc., LIV, 10; Che. Soc., LXXIV, O.S., 13.

³ Rec. Soc., LIV, 144.

⁴ *Ibid.*, 188, 202.

⁵ *Ibid.*, 99.

⁶ Farrer's *Clitheroe Court Rolls*, III, 59, 155.

⁷ *V.C.H. Lancs.*, VI, 428.

estate, for he complained against his tenants, Henry Romsbotham and Nicholas Romsbotham, for rent and waste at the Accrington Halmot Court in that year. Other tenants in 1518 were Ellis Haworth and Edmund Greenehalgh.¹ He died about 1549, when the estate would devolve on his son and heir, Francis Gartside, along with his copyholds.² Francis Gartside still held Ewood in 13 Elizabeth (1570-71), for by inquisition taken that year on the death of Ralph Holden Armiger³ the jurors found that the latter held land in Haslingden of Francis Gartside in free socage. This land would be part of Cockham, for on 20th August, 33 Henry VIII (1541), Gilbert Holden of Holden, Gentleman, confirmed to Nicholas Towneley and Edward Ashton on certain trusts his land in Cockham in the parish of Haslingden.⁴ The estate seems to have devolved on Hugh Gartside, and was still held by the Gartside family in 1617, for by inquisition post mortem, dated 9th April, 15 James I (1617), it was found that Ralph Holden, yeoman, held one messuage and fourteen acres of land, meadow and pasture, in Haslingden of the heirs of Francis Gartside in free socage by fealty and a yearly rent of fourpence three farthings, the annual value being six shillings and eightpence, that he died 10th November, 1616, and that his heir was his son, Oliver Holden, then aged eighteen years and six months.⁵

About this date the Holdens seem to have become connected with Ewood estate, as well as by their existing sub-infeudation of Cockham. Undoubtedly they lent money on mortgage at first, but it is not clear whether they became owners later or merely sold as mortgagees. In any case, they did not own it for long, but sold it to Robert Gregory or his son, Charles; and in 1662 John Gregorie of Ewood held a capital messuage and sixty acres of land or thereabouts called Ewood for which he paid a quit rent of five shillings.⁶ This quit rent was probably the sum of the rents of twentypence payable for Cockham and three shillings and fourpence payable for Ewood; Gregory as immediate tenant would pay the entire rent and receive the other rent from his subtenant; the jury of survey in 1662 would have no guidance from the court rolls when estimating the area, and it may be a very unreliable estimate; no measurement was given in 1311.

The following conjectural pedigree of the Gregories is based upon Dr. Farrer's *Clitheroe Court Rolls* (Third Volume), Dr. Tupling's *Economic History of Rossendale*,⁷ and the abstracted deeds:—

¹ C.C.R., III, 8, 31, 32.

² *Ibid.*, 155.

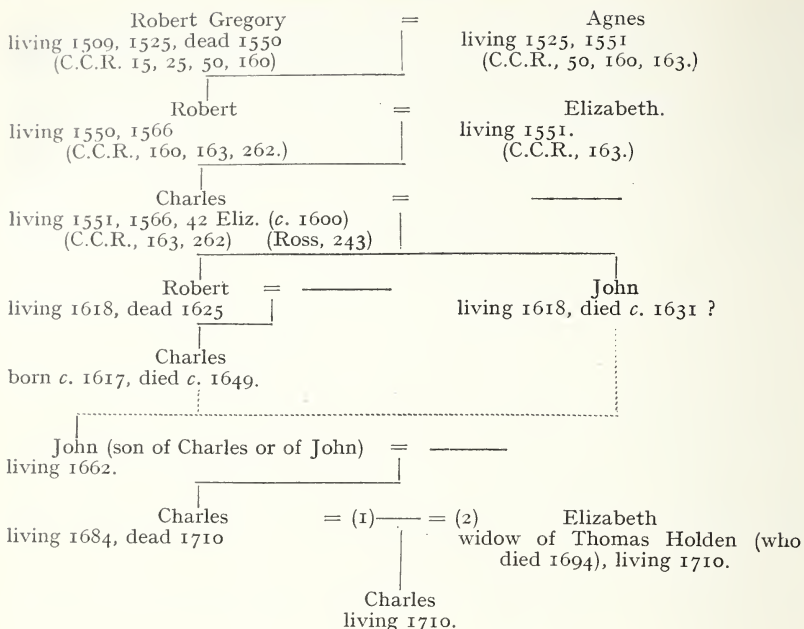
³ Towneley MSS., XXXVII (Chetham Library, 33679), H, p. 653, s. 368.

⁴ *Ibid.*, H, p. 583, s. 217.

⁵ Rec. Soc., XVI (Lancs. Inq., Stuart period, II), 63.

⁶ C.C.R., III, 423.

⁷ Che. Soc., LXXXVI, N.S.



The deed numbered 29 is of exceptional interest if it was what it purports to have been, a deed of partition of a field previously held in common. The identity of this field and its boundaries are clear, and are proved by the title-deeds and plans, as well of the Ewood estate as of the other. It seems impossible to avoid the conclusion that the parties have done more than merely fix the boundaries between their respective estates, because Kay's portion of the land was thenceforward freehold of the manor of Accrington in the honour of Clitheroe, was in the township of Haslingden and in the parish of Whalley, and was also in the hundred of Blackburn; but Haworth's portion of the land was freehold of the Manor of Tottington (then in the honour of Clitheroe¹ but not so in early times), was in the district of Tottington-higher-end in the parish of Bury, and was also in the hundred of Salford. The remainder of Haworth's estate was copyhold of the manor of Tottington and, if the joint ownership arose out of a joint common of pasture, a freehold estate has arisen out of a right appurtenant to a copyhold. Haworth's estate of Horncliffewood adjoins, but has not (since about 1600 at least) been part of the Old Horncliffe estate; this last was one of the ancient enclosures of the Manor of

¹ Since 1st July, 2 Ed. I., 1274, Rec. Soc., XXXIX, 152.

THE EWOOD ESTATE (INCLUDING COCKHAM) HASLINGDEN.

(Reproduced from the Ordnance Survey Maps of 1911, 1913, and 1930 with the sanction of the Controller of H.M. Stationery Office.)

NOTES ON MAP.

- A. Fields referred to on page 6.
- B. Blind-lane.
- CC. Boundary of Musbury-park. The author laid down a conjectural boundary on a modern ordnance map with the aid of that map and title-deeds, subsequently finding that his conjectural boundary agreed with that shown on the ordnance map of 1845 and the plan of 1580 in *The Economic History of Rossendale* (Che. Soc. LXXXVI, N.S. 15). The circuit is about 7620 yards. In 1305 the measure was given as ix vj perches (*De Lacy Computus, Che. Soc., CXII, O.S. 115*). Is this a clerical error in the original of five score for two score, i.e. "v" written for "ij," giving 946 perches equal to 7568 yards at eight yards to the rod?
- D. Bridge-end-mill-estate.
- EE. The old highway shown on the above plan of 1580. The late Town Clerk of Haslingden stated that he had traced its continuation northwards to Whalley. On the ordnance map of 1910 it is called "King's Highway" just north of Haslingden. Haslingden Church is one mile almost due north from Turfcote.
- FF. "Private-lane." This is mentioned on the Clitheroe court rolls as early as 29th September, 1621, in a surrender of a close upon Flaxmoss adjoining "a private way there." Again, on 23rd May, 1685, in a surrender of four fields upon the further side of the private lane on Flaxmoss, the land in question being probably part of the present cricket field. On the ordnance map of 1845 it is called "Private Road under the management of Trustees." Statements in title-deeds of land towards the westerly end suggest that it was at one time repaired *ratione tenuræ* by some of the landowners. It is locally reputed to have been made during a cotton famine about 1826, and in the American Civil War, 1861-65, as a relief work, whence it is often called Dow-lane. It was probably improved and, possibly, diverted on one or both occasions. On one map, at least, it is Dole-lane. Now (1930-31) it is being straightened, and, at the east end, diverted in relief of unemployment.
- GH. Possibly this was the approximate original course of the last road.
- H1 Road now useless, but almost certainly part of an old road now diverted.
- IK Original course (approximate) of Holme-lane, leading to a ford across the Irwell river, near the present Holme Bridge, according to information given to the author.
- L. Wormstall-holme-mill, formerly in the township of Haslingden.
- M. There are some indications here that the Irwell river may have followed the old parochial boundary from this point southwards in the past. If so, it must have flowed at a higher level; there is no indication where it rejoined its present bed. On 25th September, 2 Jac. II, 1686, a jury of survey for the manor of Tottington presented the manorial boundary after reaching the Lench-yate, "so following the forrest of Rossendale to the Prisoncloughfoot so descending the watter Erwell to Uddenbrookfoot so ascending the said brooke to the land formerly of one Henry Hargreaves's now of one Thomas Holdens within the Mannor of Accrington so following the said land and Mannor of Accrington to Musden Parke Ditch" according to an old MS. copy.
- N. Hell-holme in 1580; the Elmes in 1900. Holden-mill was about one-quarter of a mile almost due north of Cams-null on the Swinnel brook, a tributary of the Odgen brook.
- PP. Field divided by deed no. 29.



[To face page 5.

Tottington, and in an action at the assizes at Lancaster, in 1789,¹ it was held that the copyhold tenant had the right to get for sale and sell stone and other minerals to the exclusion of the lord. The tenure is more consistent with freehold in ancient demesne transferable by customary assurance than copyhold. Possibly the Horncliffewood estate was originally part of the Old Horncliffe estate, for this was held by a Haworth at the time of the copyhold dispute at the beginning of the seventeenth century, and remained in the ownership of his descendants until well into the twentieth. This might account for the severed portion of the joint field being freehold, but not for the other peculiarities which seem to have followed upon the partition. It is true that the parties might have adopted an already existing but undefined boundary, but in that case what was the necessity for the deed?

The deeds numbered 31 and 33 are also of interest because they show how tenacious farming custom is. The usual dates of entry in farm tenancies are still the 2nd of February for the land (occasionally the 2nd of February for meadow land and Lady Day for pasture) and the 1st of May for the buildings.

The subsequent history of the estate can be briefly stated. In 1859 John Parkinson sold the whole estate, except the land let on building lease, to Henry Hoyle of Newhallhey, Rawtenstall, who died in 1861, having given it by his will to his relative, Henry Hoyle Hardman of Horncliffe, Rawtenstall, who died in 1888. In 1896 Ewood Hall and the main portion of the estate, extending to about fifty-four and a half acres, was acquired from the trustees of the will of Henry Hoyle Hardman by the Haslingden Rawtenstall and Bacup Outfall Sewerage Board for a joint outfall sewage works for the three named boroughs, and on the occasion of the sale the rentcharge payable to the Bury Grammar School was redeemed under orders of the Charity Commissioners dated 21st January, and 27th October, 1896. The hall itself, a seventeenth-century erection, is maintained by the Board as their board-room, and as a residence for their manager.

Messrs. Anderton and Halstead Limited acquired a further portion in 1906, and the dispersal was finally completed by the Hardman trustees in 1912, when Ewood Lane Head farm was sold to the Rossendale Golf Club; and it now forms the site of their clubhouse and part of their links. By this purchase the club acquired the old deeds relating to the estate, and it is by their courtesy and permission that the abstract has been made.

The estate is shown on the ordnance survey map reproduced. The dotted line on this map follows the course of a small streamlet which was the boundary between the Ewood demesne lands and the Cockham estate, and also between the Town post and Holden post districts of

¹ Haworth *v.* Warburton and others.

the old township of Haslingden, the Ewood demesne lying in the former. The modern boundaries of the Ewood demesne down to 1881, when an exchange took place, were the same as shown on a plan dated 1788,¹ and except as altered by the partition between Kay and Haworth were the same in the seventeenth century. The Cockham estate, too, would seem to have remained unaltered since 1580 to judge from the map of Musbury Park reproduced in Dr. Tupling's *Economic History of Rossendale*.² The area of the Ewood demesne is one hundred and twenty-two statute acres, and that of the Cockham estate one hundred and fifty-two statute acres. The former is equal to about fifty-seven and a half customary acres after the measure of eight yards to the rod. On two sides they are bounded by the Irwell river and the Ogden brook, which form the boundary between the manors of Accrington and Tottington. The whole of the land on the opposite side of these, except Haworth's one close and an indeterminate area at Hardsough, was copyhold of the manor of Tottington. The land abutting on the other sides from Longshaw brook to the Irwell river was copyhold of the manor of Accrington and a large portion of this land was part of the Flaxmosscommon granted for enclosure in 1618.³ It has been stated by implication that the Holden estate of Cockham extended from the Ewood demesne to the Longshaw brook in 1584;⁴ the statement is probably correct but possibly now incapable of proof. Thus the Ewood estate, comprising the Ewood demesne and the Cockham sub-infuedation, formed a small freehold area entirely surrounded by copyhold, and there is nothing in the published records to suggest that it was increased at any date, neither does the map except perhaps as regards the closes marked A; it seems probable, therefore, that the land shown within the edging on the plan is substantially that of which Sir Robert de Holand was tenant in 1311, and which John Gregorie held in 1662, in both cases at a yearly rent of five shillings. Unfortunately, the title-deeds of Greens Lane farm, Higher Cockham farm, Middle Cockham farm, Lower Cockham farm, Newbarn farm and Snig Hole are all comparatively modern; the earliest relates to Lower Cockham, and shows that in 1727 this was acquired from Richard Hey (who had been preceded by Gilbert Hey or Robert Hey, or both of them) by Henry Moreton, who on 10th June in that year entered into an agreement with Richard Holden of Ravenshore, yeoman, as to the repair of a wooden bridge over the Ogden brook, which no longer exists unless it is the bridge over the Ogden brook at Irwell Vale. It

¹ This plan shows Ewood Lane, Greens Lane and Clod Lane leading to Haslingden, a bridge over the Irwell at Ewood Bridge, where the present bridge is, and across it a road leading to Bury, and also a bridge over the Ogden brook, where the Ogden Bridge now is at the modern Irwell Vale, but no road or foot-path from the bridge in the direction of Haslingden.

² Che. Soc., LXXXVI, N.S., 15.

³ *Ibid.*, 248.

⁴ V. C. H. Lancs., VI. 430, n. 43.

seems then to have been repairable (? *ratione tenuræ*) by the owners of the two estates, and to have been erected to enable the inhabitants of Tottington to pass and repass to and from the "market town of Haslingden." One of these tenements would be the messuage and fourteen acres which Ralph Holden held in 1617 at a rent of fourpence three farthings, being part of the larger area held by Ralph Holden in 1570-71 at a rent of twenty pence.

It is outside the limits of the Ewood estate, but it may be of interest to suggest that the Bridge-end Mill estate at Helmshore represents the land which Henry de Lacy granted to Adam, son of Adam de Holden, in 1307.¹ It is the only ancient freehold land which was ever in Tottington and which abutted upon Musbury Park fence. There were about one hundred and sixty-nine statute acres of freehold land along, and chiefly on the left banks of the Ogden brook and Swinnel brook, extending up to Charles Lane, which were in Holden post (part, viz., thirteen statute acres of doubtful tenure was in Town post), and possibly represent the land which was granted on 12th February, 11 James I (1614), to Robert Holden at a rent of thirty shillings.² A deed dated 2nd July, 1828, relating to freehold land to the north-west of Helmshore station states that the land was once supposed to be situate and being within the Tripit of Ogden and township of Musbury within the parish of Bury, but upon further enquiry it had been ascertained that all the land was situate within the township of Haslingden, which is apparently a reference, blindly copied from deed to deed, referring to the dispute of 1580 in connection with which the plan of Musbury Park³ was prepared. The land was conveyed in 1828, subject to the payment of the yearly sum of three shillings and ninepence three farthings, or such proportion thereof or any other annual rent or payment as had usually been paid in respect of the land to the King's Majesty in right of his Duchy of Lancaster or any other person or persons,⁴ and also to such right of mill road as the occupiers of Musbury Park were entitled to along the Ogden brook to Holden mill. Eighteen indeterminate customary acres at Heap-clough, and two and one-quarter indeterminate customary acres at Calf-hey, and both in Grane post, were freehold, and seem to represent the land granted on 4th May, 28 Elizabeth (1586), in free socage of the manor of East Greenwich.⁵ In addition, there were twenty statute acres of freehold land adjoining Haslingden churchyard, and ten and a half statute acres at Lund-banks, which formed the glebe land. These are

¹ Che. Soc., CXII, O.S., 191; Raines, Lancs. MSS., XIV, 521, etc.

² C.C.R., III, 421. See Addendum.

³ Che. Soc., LXXXVI, N.S., 15. Dy. Lanc. Depos. II., 23 Eliz. 59.

⁴ This is an anachronism because the manor of Accrington, including these freehold quit rents (C.C.R., III, 422) was granted to General Monk, Duke of Albemarle, in 1662.

⁵ C.C.R., III, 421. The residue apparently degenerated to copyhold.

the only lands which have been found in the old township of Haslingden, and which were not copyhold at the beginning of the nineteenth century.¹

In an account of Ewood in the *Victoria History of the County of Lancaster* ² reference is made to a number of disputes to which members of the Gartside, Anderton and Holden families were parties. Without reference to the original records it is impossible to form a reliable opinion what was the nature of the disputes or what land was affected ; some might be between landlord and tenant, and not between rival claimants, and might not relate to the Ewood estate ; one certainly did not, i.e. that of 1555-60 relating to Sunnyfield, etc., which lies quite two miles distant, but concerned the inheritance of land formerly of Robert Waddington, whose descendants own the greater portion of the land to this day.³ Probably the complete history will never be known ; only a person with unlimited leisure and considerable knowledge of the district could identify the properties and place the numerous Holdens, many of the same name and living contemporaneously, in their correct families, for the surname has always been common.

Addendum.

While this introduction was in the Press the title-deeds relating to part of the freehold land along the Ogden brook have passed through the author's hands ; he had only seen some of the recent deeds previously. Amongst the deeds is an abstract, prepared in 1805, which definitely traces the title back to the Letters Patent of King James ; this patent is there dated 12th February, 11 James I, 1613-14.

The abstract commences with an Indenture dated 26th January, 12 James I, 1613 ;⁴ " (a great part of which is defaced by time) made between Robert Holden of Holden in the county of Lancaster Esquire and others and Ralph Holden Gentleman son and heir-apparent of the said Robert Holden being a deed in order to suffer a recovery and in and by which the uses are declared to the said Robert Holden and Ralph Holden in manner therein mentioned." This deed is not now with the others and probably ought not to be, but it is regrettable that it is not now available and legible, because it is dated before the Letters Patent and might disclose under what circumstances they were granted and whether Robert Holden was the nominee of several persons in order to save fees or acquired the land in his own right. Was this the land, or part of the land, comprised in the grant of 1307, or in the grants of 1272 or 1301, previously mentioned, and had the tenure

¹ Deeds relating to nearly all the land except perhaps about 20 acres, which are almost certain to have been copyhold, have been examined.

² Vol. VI, 428.

³ *Vide C.C.R.*, III, 122, 172, 179.

⁴ Apparently a mistake for 11 James I, 1613-14, or possibly 10 James I, 1612-13.

been disputed by the Crown, only Cockham being indisputably freehold? Ralph Holden (living in 30 Hen. VI, 1451-2) apparently owned the land, for his widow, Douce or Dosilla, was in litigation with her step-greatgrandson (? on his attaining his majority) in 1510 about Toddhall, *Helmshore* and *Ravenshore*,¹ the last of which probably extended in former times on the right bank of the Ogden brook from the Alden brook to the Irwell river. It is to be noted that the land was granted as freehold during the copyhold dispute referred to in Chapter V. of Dr. Tupling's *Economic History of Rossendale*,² and was seemingly not a new enclosure.

The second deed abstracted is dated 28th March, 12 James I, 1614, and made between Robert Holden and Ralph Holden (described as before) of the one part and Thomas Holden of Haslingden Husbandman of the other part, and is a covenant to assure by fine or otherwise before Michaelmas to Thomas Holden in fee a messuage, tenement and lands in the occupation of Thomas Holden "containing by estimation eleven acres one rood and sixteen falls or thereabouts," and theretofore under the yearly rent of six shillings and ninepence to Robert Holden. There is a reservation in favour of Robert Holden and Ralph Holden and the heirs of the latter of "all such and the same miln ways chimin and free passage for a miln way to and from one miln in Haslingden aforesaid called Holden Miln in by and over the land ground and premises before mentioned and in such manner and form as then or thentofore within the space of two years then last past had been used to or for the coming to or returning from the said miln in by or over the same land ground and premises or any part thereof unto or from such parcel of the tenement or hereditaments called or known by the name of Musbury Park or unto or from any part thereof as thentofore had been usual and accustomed." There were also covenants against encumbrances except a lease granted to Thomas Holden and a fee farm rent of thirty shillings payable to the King, his heirs, or successors, by virtue of the Letters Patent "under the seal of the County Palatine and Dutchy of Lancaster bearing date at Westminster the 12th February then last." Thomas Holden covenanted to pay "the yearly sum of three shillings and ninepence halfpenny farthing" as part of the rent of thirty shillings. The deed itself is not with the others.

It is impossible now to ascertain the boundaries of the tenement as it existed in 1614, but the field names at that date show that the modern tenement is part of the old. It is clear, too, that the land conveyed by the deed of 1828 is part of the same old tenement. It is the same as that held by Oliver Holden in 1662,³ as his name is on the title.

¹ C.C.R., III, 17, 18.

² Che. Soc. LXXXVI, N.S.

³ C.C.R., III, 422. The quit rents only add up to £1 6s. 9d.; the author hesitates to suggest a reason, though more than one occurs to him, apart from the possibility of a clerical mistake.

The area of the land granted is not stated clearly in the Letters Patent,¹ but the deed shows that the rent was at the rate of fourpence an acre, giving a total of ninety acres. These would be customary acres after the measure of seven, seven and one-half, or eight yards to the rod, and if the second was the measure used, the ninety customary acres would equal about one hundred and sixty-seven statute acres, which would agree very closely with the one hundred and sixty-nine acres of freehold land.

In conclusion it may be added that the whole of the land in the Holden post district of the old township of Haslingden, with the possible exception of the land granted from the commons in 1618,² was apparently at some time in or before the early seventeenth century the property of the Holdens, either of Holden or of Toddhall.

EWOOD DEEDS.

(1) 20th August, 33 Henry VIII (1541) (Towneley MSS. XXXVII (Che. Lib. 33679), H. p. 583, s. 217). Deed. Gilbert Holden de Holden Gentleman confirmed to Nicholas Towneley and Edward Ashton All those his messuages lands and tenements with appurtenances in Cokham in the parish of Haslingden (annual value 53s. 0d.) on trusts of his deed made to Nicholas Towneley.

(2) 13 Elizabeth (1570-71) (Towneley MSS. XXXVII (Che. Lib. 33679), H. p. 653, s. 368). Inquisition post mortem. Ralph Holden Armiger held . . . and held a messuage and divers lands and tenements in Haslingden of Francis Gartside in free socage by fealty and 20d. rent worth 50s. 8d. and held lands and tenements in Duckworth . . . Heir Thomas Holden son of Gilbert son of said Ralph aged seven years.

(3) 2nd June, 1595 (Raines' Lancs. MSS. XXXI (Che. Lib. 41359), 305). Deed between Thomas Gartesyde of Newington Co. Kent, Clearke (1) Richard Gartsyde of Pleasington Co. Lanc. Gentleman his younger brother (2) on sale to the latter of All that capital messuage and mansion house Ewood Hall in the township of Haslingden then or late in the possession of Hugh Gartsyde gentleman father of Thomas and Richard and all lands etc., in the nature of freehold etc., a water corn mill etc. The deed was taken and recognized at Sergeants Inn in Flite-strete on 7th June 37 Elizabeth before Thomas Walmisley Justice of the Queens Bench.

¹ C.C.R., III, 421.

² Che. Soc., LXXXVI., N.S. 245 et seq.

(4) 4th March, 38 Elizabeth (1595-96). Settlement between Richard Gartsyd of Pleasington Gentleman (1) and Thomas Aynsworth of Pleasington Esquire (2).

(5) 16th March, 38 Elizabeth (1595-96) (Raines' Lancs. MSS. XXXI, 305). Richard Gartsyd of Pleasington Gentleman gives etc. to John Aynsworth son and heir-apparent of Thomas Aynsworth of Pleasington Esquire and Christopher Longworth son and heir-apparent of George Longworth of Longworth Gentleman on trusts of settlement of 4th instant.

(6) 20th July, 12 James I (1614) (Raines' Lancs. MSS. XXXI, 305). Deed between Richard Garside of Holme in Haslingden Gentleman Ellen Garside wife of Richard and Thomas Garside son and heir-apparent of Richard (1) and Andrew Holden of Todehole Co. Lanc. Yoman (2) being a conveyance of lands of Ewood being 28a. by way of mortgage.

(7) 28th June, 13 James I (1615) (Raines' Lancs. MSS. XXXI, 305). Deed between Richard Garsyde of Holme Gentleman Ellen Garsyde his wife and Thomas Garsyde his son and heir-apparent (1) and Andrew Holden of Todehole Yeoman (2) being a conveyance by way of mortgage of All that capital mansion called Ewood Hall then or late in the possession of Isabel Garsyde widow mother of Richard and theretofore of Hugh Garsyde his father and one messuage in Ewood called the Holme-meadow¹ in the tenure of Roger Cowpe senior and all the lands in the county of Lancaster lately conveyed by Thomas Garsyde clerk and late brother of Richard to him.

(8) 22nd July, 13 James I (1615). Andrew Holden agreed to reconvey to Richard Gartside All the lands on the south side of the Highway and blinde-lane² leading betwixt Ewood Bridge and lands called Cockham.

¹ This was the southernmost portion at the confluence of the Ogden and Irwell.

² This is now only a footpath across the golf course from Ewood Bridge to Higher Cockham. The clough it passes through immediately after leaving Ewood Lane was known as Blind Lane clough in 1788. It is obvious on the site that at one time there was more than a footpath, but probably it was only an occupation road, though perhaps it went right through to the modern Helmshore.

(9) 18th January, 14 James I (1617) (Raines' Lancs. MSS. XXXI, 306). Deed between Richard Gartsyde Gentleman and Thomas his son and heir-apparent (1) and Andrew Holden and Robert Gregorie of Haslingden Yeoman (2) Recites last agreement. Richard and Thomas Gartsyde agreed that Andrew Holden should retain the lands etc. on the north side of the lane in Ewood and that Andrew Holden and Jennett his wife¹ might assure to Robert Gregory in fee the messuages called Ewood and Holme-meadow etc. and release the rights under settlement of 4th March 38 Elizabeth.

(10) 1st October, 15 James I (1617) (Raines' Lancs. MSS. XXXI, 306). Deed between Andrew Holden of Toodhole Yeoman (1) and Robert Gregorie of Haslingden Yeoman (2) Andrew Holden for himself and Jennett his wife¹ covenanted to convey to Robert Gregorie in fee All that capital messuage called the Ewood the Oxhouse Barne and certain lands in Haslingden in the tenure of Isabell Gartsyd widow and a messuage called the Holme-meadow etc. and lands on south of Ewood Bridge and the half of all quires and seats within the Parish church or chapel of Haslingden or within the chancel of the said church which does or of right ought to belong to the said capital messuage called Ewood Hall or the owners or occupiers of the same.

(11) 22nd June, 20 James I (1622) (Raines' Lancs. MSS. XXXI, 306). Andrew Holden by deed sold etc. to Robert Gregorie in fee the Great-barn in Ewood Greens Marled-earth Sale-Meadow etc. being 14a the residue of his lands in Ewood.

(12) 23rd August, 1 Charles I (1625) (Towneley MSS. XXXVII (Che. Lib. 33679), G. p. 462, s. 11). Inquisition post mortem. Robert Gregory was seised as of fee of and in one capital messuage in Haslingden called the Hall of Ewood and of and in 40a of land meadow and pasture and 100a. of moors mosses heath and furze in Haslingden held of the King as of his Castle of Clitheroe in free socage at a rent of 3s. 4d. and died 12th March 1625 and his heir Charles Gregory was aged 8 years and 2 months.

(13) 1st March, 1637 (Raines' Lancs. MSS. XXXI, 306). Deed between Ralph Houlden of Duckworth in Oswaldtwistle Co. Lanc.

¹ This is inconsistent with the pedigree in Whitaker's *History of Whalley*, II, 305, unless the wives of Andrew Holden, who died in 1590, and Andrew, his son, were both named Jennett.

Esquire Robert Houlden of Houlden said Co. Gentleman son and heir-apparent of said Ralph and Andrew Houlden of Toadholle in Haslingden Gentleman (1) and Charles Gregorie of Ewood in Haslingden Yeoman (2) in consideration of moneys then paid and formerly paid by Robert Gregorie deceased father of Charles Gregorie the Holdens granted All that messuage and ten certain closes 18a mortgaged to Ralph Holden for £100 on 22nd June 20 James I being in Ewood and part of Ewood Hall estate.

In margin "Test by Ellis Hey Gilbert Holden Rich. Booth Rob. Gregorie Henry Cowpe son of Laur. C. decd." ¹

At foot. "This includes the whole of Andrew Holden's two purchases of ye Ewood-estate being 31a. 2r. 25p. Cheshire 41a. 1r. 10p. Lanc. 66a. 3r. 31p. statute. In the conveyance called 60a. more or less."

(14) 19th March, 26 Charles II (1673) (Raines' Lancs. MSS. XXXI, 307). Deed between John Gregory ² of Rachdale Gentleman (1) and William Yates of Blackburn Gentleman William Shaw of Preston Gentleman and Roger Pendlebury of Rachdale Clothier (2) John Gregory in consideration of his love etc. for his children Charles, Benjamin, Jane and Mercy conveyed to Yates, Shaw and Pendlebury All that capital messuage called Eawood in Haslingden now or late in the occupation of Mr. John Cippax clerk and six others and property in Yorkshire-street and the Butts Rochdale and two acres in Hundersfield and Wolstenholme hall in Spotland to hold Eawood and six tenancies to the use of John Gregory for life remainder to Charles Gregory, his eldest son and heir-apparent with power for John Gregory to charge it with £200 by will. The Rochdale and Hundersfield properties were to John Gregory for life remainder to Benjamin Gregory. Wolstenholme hall to John Gregory for life remainder to the daughters.

15. 10th January, 1684. Mortgage by way of lease for 500 years at a peppercorn rent between Charles Gregory of London Merchant (1) and Edward Palmer of London Gentleman (2) of the capital messuage

¹ Apparently the witnesses to the deed of 20 James I but they might be tenants or purchasers from the Holdens of their own and the Gartside land. In 1727 Laurence Hey, who might be a descendant of Ellis Hey, sold Lower Cockham (area 20a), formerly occupied by Gilbert Hey and Robert Hey or one of them, to Henry Moreton. In a deed of 1823 Higher Cockham (area 19a. 2r. 35p. Ches.) was stated to have been purchased by Robert Smalley, father of Edward Smalley, whose will was dated 16th September, 1783, from Edward Taylor and Margaret Taylor, widow.

² His relationship to Charles Gregory named in Nos. 12 and 13 is uncertain. He might be a son, uncle, or cousin. The will of Charles Gregory was proved at Chester in 1649 (Rec. Soc., IV, 90).

and demesne lands called Eawood situate in Haslingden then or late in the occupation of John Cippax Clerke and the several messuages or tenements and farm lands situate in the Ewood aforesaid then or late in the occupations of Samuell Lange John Cowpe Junior Elizabeth Cowpe Widow John Romsbotham John Hargreaves and Christopher Holker "And all other the ffreehold lands tenements and hereditaments of him the said Charles Gregory situate lyeing & being in Haslingden Rachdale and Spotland or elsewhere in " Lancashire.

16. 15th June, 1686. Transfer of Mortgage and Further Charge between Charles Gregory of London Merchant (1) Edward Palmer of London Gentleman (2) and Thomas Whittle Citizen and Clothworker of London (3) Property as described in No. 15.

17. 15th June, 1686. Bond Charles Gregory of London Merchant to Thomas Whittle Citizen and Clothworker of London.

18. 26th September, 1689. Attornment as tenants to Thomas Whittle by James Greenwood Henry Ashworth Nicholas Romsbotham John Hargreaves Robert Greenwood Elizabeth Cowpe and Elizabeth Dowson wife of James Dowson (All marksmen).

19, 20. 19th and 20th November, 1710. Lease and Release on sale between Charles Gregory of the city of London son and heir of Charles Gregory late of the same place Gentleman and Elizabeth Gregory Widow and relict of Charles Gregory (1) and Roger Sedgwick of Manchester Chapman (2) of mansion house in Haslingden in Whalley-parish called Ewood Hall and demesne lands namely Wall-field, Flash-meadow, Thorn-eye, Black-pitt-holme, Limed-eye, Orchardfield, Great Meadow, Horse-copy, Dish-robbin, Great-marled-earth, Flash-moss-meadow, Greene-marled-earth, Ewood-wood, Hall-meadow, and one unenclosed acre of land in the Green-field area 42a customary measure And of Hargreave-tenement in Ewood and closes called Paddock, Warth, Meadow and Well-field area 3a. 2r. 20p. Lancashire measure And of Warth-tenement in Ewood and closes called Waterstead-and-warth, Warth - beyond - the - river, Thrower - meadow, Thrower - eye, Little-thrower-eye, Rydeing-bank, Little-thrower-meadow, Thrower-bank and "one halfe of the Great Eye being ffreehold and accounted to be about one acre of land or thereabouts " area 11a. or. 18p. customary measure And of Cowp tenement in Ewood and closes called Further - bett-meadow, Nearer-bett-meadow, Higher-bett-holme, Lower- or Middle-bett-holme and Barly-croft, area 5a. 2r. 5p. Lancashire measure

or customary measure And of Greenwood-tenement in Ewood and closes called Barley-croft and wood area 5a. or. 5p. Lancashire measure or customary measure And of Dawsons-tenement in Ewood and closes called Paddock (formerly two paddocks) and House-meadow area 1a. 3r. 30p. Lancashire measure or customary measure And of all seats and pews in the church of Haslingden.

21. 20th November, 1710. Assignment between John Whittle of the Parish of St. Gyles Cripplegate London Gentleman son and heir apparent and administrator of the goods and chattels of Thomas Whittle late of the parish of St. Michael Bazen Shaw London Packer (1) James Sedgwick of Manchester Chapman (2) Roger Sedgwick of Manchester Chapman (3) and Charles Gregory of the city of London son and heir of Charles Gregory late of London Gentleman deceased and Elizabeth Gregory¹ widow and relict of Charles Gregory (4) of term of 500 years to James Sedgwick in trust for Roger Sedgwick and to attend the inheritance.

22. 1st December, 1710. Deed between Charles Gregory of the city of London Gentleman son and heir of Charles Gregory late of the said city Gentleman deceased and Elizabeth Gregory widow and relict of Charles Gregory (1) Roger Sedgwick of Manchester Chapman (2) and John Lawton of Prescott (apparently sed qu. Preston) Lancashire Gentleman (3) to lead the uses of fine No. 23 and recovery No. 24.

23. 23rd March, 10 Anne (1711). Cirograph of fine levied at Lancaster between Roger Sedgwick plaintiff and Charles Gregory and Elizabeth Gregory widow deforceants of 4 messuages 10 cottages 30a of (arable) land 20a of meadow 20a of pasture and 10a of heath and ling and common of pasture for all manner of cattle in Haslingden.

24. 15th August, 10 Anne (1711). Common Recovery at Lancaster John Lawton demandant Roger Sedgwick tenant and Charles Gregory and Elizabeth Gregory widow vouches.

¹ She seems to have married Thomas Holden of Todd Hall first. See Whitaker's *History of Whalley*, II, 305. Thomas Holden, his son, surrendered land at Haslingden on 17th July, 1702, as indemnity against her dower (Raines' *Lancs. MSS.* XXXI, 246).

25, 26. 18th and 19th August, 1718. Lease and Release on sale between Roger Sedgwick of Manchester Chapman (1) and Roger Kay of fittleton Wiltshire Clerk (2) of the Ewood estate by a similar description to that in No. 20 except that the acre in Green-field was then enclosed and the estate was subject to the following leases granted by Roger Sedgwick namely 25th March 11 Anne (1712) to George Piccopp of Ewood yeoman for 21 years at a rent of £36 os. od. 25th March 12 Anne (1713) to Henry Haworth of Warth husbandman for 21 years at a rent of £7 10s. od.

27. 19th August, 1718. Assignment between James Sedgwick of Manchester Chapman (1) Richard Kay of Widdall Lancashire Clothier (2) Roger Kay of fittleton Wiltshire Clerk (3) and Roger Sedgwick of Manchester (4) of term of 500 years to Richard Kay in trust for Roger Kay and to attend the inheritance.

28. 29th March, 8 Geo. I (1722). Two cirographs of fine levied at Lancaster between Roger Kay plaintiff and Roger Whalley and Maria his wife Roger Sedgwick and Bridget his wife and Richard Allen deforceants of 6 messuages 2 cottages 50a of (arable) land 11a of meadow 80a of pasture 50a of moors and mosses (50a of moors and 50a of mosses in one copy) and common of pasture for all manner of cattle in Blackburne Haslingden and Ratcliffe.

29. 19th February, 1727. Deed of Partition between Richard Kaye of Widhall Lancashire Gentleman on behalf of Roger Kaye Rector of fittleton Wiltshire Clerk and John Howorth of Horncliffe Lancashire Yeoman Recites that there is a close called Mean-field or Greatwarth belonging to the parties at Warth part thereof adjoining to the River Irwell and part thereof adjoining to Horncliffe-wood Mutual grants so that Roger Kay obtained one half being the north part from Horncliffe-wood to the river and John Haworth obtained the other half being the south part from Horncliffe-wood to the river Roger Kay was to make half of the fence beginning at the banks of the river and John Haworth the other half beginning at Horncliffe-wood. A memorandum endorsed provides that John Haworth should repair the water banks after the River Irwell as far as his land adjoined and Richard Kay to do the same and John Haworth was to have liberty to water his cattle at the river but not to leave his cattle there.

30. Missing.

31. 2nd February, 1732. Lease between Roger Kay of Widdale near Bury Gentleman (1) and William Barcroft of Warth Yeoman (2) of a tenement in Haslingden and Tottington in the occupation of William Barcroft with the closes called Warthsted Warth Warthbeyond-the-river Thrower-meadow Thrower-eye Little-thrower-eye, Rideing-banke Little-thrower-meadow Thrower-banke and one half of Great-eye area 9 acres for 21 years commencing as to the housing, outhousing and Great-eye on 1st May following and as to the remainder on the date of the lease at a rent of £8 5s. od. payable half yearly on the Feast Days of St. John the Baptist and the Purification of the Blessed Virgin Mary, i.e., 24th June and 2nd February.

32. 24th March, 1733. Lease between Robert Greenwood and Lawrence Greenwood of Ewood within Haslingden Yeomen (1) and William Barcroft of Haslingden Labourer (2) of two closes at Ewood called Higher-eye and Dickey or Bett-wood for 21 years at a rent of 20s. od. on the same rent days as 31. (All marksmen.)

33. 2nd September, 1734. Agreement between Robert Greenwood and Lawrence Greenwood of Haslingden Husbandmen (1) and James Tattersall of Edenfield Yeoman (2) for lease of that part of Ewood Hall in the possession of James Tattersall and John Taylor with the cow-barn (except room for laying corn for Lawrence Greenwood) the swine-cote and turf-cote with the closes called the Court, Apple-orchard, Stable-orchard, Lymed-eye, Black-pitt-holme, Flash-meadow, Wood, Long-marled-earth, half of the garden and fould, and Kiln-croft, for 21 years commencing as to meadow land from 2nd February then last, as to all other land except the Wood from 25th March then last and as to the housing, outhousing and Wood from 1st May then last at a rent of £9 5s. od. payable to Roger Kay of Widdale Gentleman on the same rent days as 31. (All marksmen.)

(34) 10th April, 1729. Will and 19th June 1729 Codicil of Roger Kay of Fittleton Wiltshire M.A. and Fellow of St. Johns College Cambridge Proved at Doctors Commons on 1st June 1731. Confirms the foundation of Bury School. Devise to John Hopkinson and Richard Rothwell in trust for his nephew and next of kin Roger Kay of all his freehold and copyhold messuages etc. called Ewood Hollins and Riley in Lancashire and all his real estate not settled on the school "thereby charging all the said Ewood lands and estate being freehold with the payment of the clear yearly sum of £25 to the trustees and governors of the said Free School at Bury and their successors for ever at such

times and manner as in the endowment deed are mentioned with power to distrain thereon for nonpayment as in case of rent service."

(35) 21st January, 1734. Will of Roger Kay of Widdale near Bury Gentleman proved at Chester on 22nd July 1735. Executors father-in-law Robert Nuttall and brother-in-law Thomas Nuttall. Residuary realty and personalty given to his two daughters Elizabeth Kay and Mary Kay.

Note.—Elizabeth Kay appears to have married Richard Hill, and to have had a daughter Betty Nuttall, who married John Bower. Mary Kay married (her cousin?) Robert Nuttall, and had a son Robert.

(36, 37) 7th September, 27 Geo. II (1754). Fine levied at Lancaster and 10th October 1754 Deed declaring uses between Robert Nuttall of Bury Merchant and Mary his wife (1) and John Openshaw of Bury Yeoman (2) of a moiety of freehold land in Haslingden and in the parishes of Whalley and Bury called Buckden Ewood and Antley. The uses were as Robert and Mary Nuttall jointly by deed or as the survivor by deed or will should appoint In default for Robert and Mary Nuttall for their joint lives and the life of the survivor with remainder to the heirs of Mary Nuttall.

(38, 39) 23rd and 24th November, 1759. Lease and Release between Samuel Lees of Wellow-hall in Sirkcoat Yorkshire Merchant John Waterhouse of Range in Northowram Yorkshire Merchant and Charles Turner of Clegg Hall Rochdale Merchant (assignees of Richard Hill of Halifax Merchant a bankrupt) (1) and Robert Nuttall of Bury Merchant (2) being an assignment of half of messuages etc. known as Ewood, Widdall or Woodhill and Plant-close formerly the estate of Roger Kay deceased and since the estate of Betty late wife of Richard Hill and Mary wife of Robert Nuttall. Copyholds in Tottington and Accrington were covenanted to be surrendered.

(40, 41) 14th March, 1769. Deed of covenant between John Bower of Manchester Esquire and Betty Nuttall his wife (1) and Richard Whitehead of Preston Esquire (2) to levy a fine and 16th March 9 Geo. III (1769) Fine levied at Lancaster. The uses were as John and Betty Nuttall Bower by deed should jointly appoint In default for them for their joint lives and the life of the survivor with remainder to their children etc.

(42, 43) 19th and 20th July, 1769. Lease and Release between John Haworth of Blackburn Chapman (1) Robert Nuttall and Mary his wife (2) and John Openshaw of Bury Clothier eldest son and heir at law of John Openshaw late of Bury Yeoman (3) Recites that the legal estate in the Ewood estate was vested in John Haworth as eldest son and heir at law of William Haworth who was nephew and heir at law of John Hopkinson who survived Richard Rothwell. Assurance of moiety of Ewood estate to John Openshaw on trusts of deed dated 10th October, 1754.

(44, 45) 19th and 20th July, 1769. Lease and Release between John Haworth of Blackburn Chapman (1) Thomas Marsden of Chester Esquire (2) John Bower and Betty Nuttall his wife (3) and Robert Nuttall (4) being a conveyance on sale by John and Betty Nuttall Bower of her moiety of the Ewood estate and certain copyholds to Robert Nuttall.

(46) 5th August 9 Geo. III (1769). Fine levied at Lancaster between Robert Nuttall plaintiff and John Bower and Betty Nuttall his wife deforceants pursuant to last mentioned deed.

(47) 1st August, 1769. Deed between George Ormerod of Bury Mercer administrator of the goods of Richard Kay late of Widdall deceased unadministered by Roger Kay late of Widdall Gentleman deceased the only son and executor of Richard Kay (1) Robert Nuttall and Mary his wife (2) John Openshaw (3) and John Lancashire of Little Bridge within Bury Yeoman (4) being an assignment of the term of 500 years to John Lancashire in trust and to attend the inheritance.

(48) 22nd August 1775. Deed between Robert Nuttall of Bury esquire and Mary his wife (1) and John Openshaw (2) appointing the moiety of Mary Nuttall of freehold messuages etc. in Haslingden and Tottington called Buckden Ewood and Antley to Robert Nuttall.

(49, 50) 25th and 26th August, 1775. Lease and Release between John Openshaw (1) Robert Nuttall and Mary his wife (2) and George Ormerod (3) whereby the last mentioned moiety was conveyed to George Ormerod in trust for and to the use of Robert Nuttall.

(51) 20th January, 1776. Will of Robert Nuttall. Devise to Richard Whitehead Esquire and John Hamer the younger Gentleman in trust for his only son John Nuttall (who was then under age) in tail general.

(52, 53) 6th and 7th July, 1790. Lease and Release between John Nuttall of Bury Esquire (1) Richard Whitehead and John Hamer (2) John Cross and Joseph Seaton Aspden both of Preston Gentlemen (3) and James Holland of Rochdale Gentleman (4) preparatory to and declaring the uses of the following.

(54) 14th August, 30 Geo. III (1790). Recovery at Lancaster barring entail James Holland demandant John Cross and Joseph Seaton Aspden tenants and John Nuttall vouchee of 14 messuages 6 cottages 15 barns 10 stables 15 shippens 2 fulling-mills 1 paper-mill 16 gardens 4 orchards 90a of land 40a of meadow 60a of pasture 4a of woodland 30a of furze and heath 20a of moor common of pasture for all cattle and common of turbary in Heap Haslingden Tottington and Accrington in the parishes of Bury and Whalley.

(55) 17th December, 1793. Deed between Mary Nuttall (1) John Nuttall (2) and the Reverend Randal Andrews A.M. (3) granting annuity to Mary Nuttall.

(56) 3rd May, 1802. Marriage Settlement between John Nuttall of Bury Esquire (1) Elizabeth Parker Spinster one of the daughters of George Parker the elder of Litchfield Esquire by Elizabeth his wife formerly Elizabeth Turton Spinster (2) and Sir Robert Peel of Drayton-manor Staffordshire Baronet George Parker the younger of the Middle Temple Gentleman and the Reverend John Parker M.A. Rector of the United Parishes of St. George Botolph Lane and St. Botolph Billingsgate in the City of London (3) merely provides for pin-money and jointure and releases dower and freebench.

(57) 9th October, 1813. Will of John Nuttall late of Norley-bank but then of Overleigh Cheshire Esquire (proved at Chester and Doctors Commons). Mentions that by his first marriage with Elizabeth Howarth Spinster he had one only child Robert Nuttall then an infant, and by his second marriage a son John Nuttall and a daughter Emma Susan Nuttall and also two sisters Mary Nuttall Spinster and Richmal

Andrews widow. Devise of the Ewood-estate as part of his real estate to Thomas Clayton of Carr-hall Lancashire Esquire in trust for his son Robert Nuttall in tail general.

(58) 3rd February, 1818. Deed between Richmal Andrews of Redivals in the parish of Bury Widow (surviving executrix of Randall Andrews) (1) and Thomas Clayton (sole devisee in the will of John Nuttall) (2) being a surrender of a term created by deed dated 17th December, 1793. Mary Nuttall was evidently dead.

(59, 60) 11th and 12th March, 1819. Lease and Release between Robert Nuttall (eldest son of John Nuttall) (1) Thomas Clayton (2) Thomas Starkie Shuttleworth of Preston Esquire (3) Randall Andrews of Redivals and of St. John's College Cambridge Esquire (4) and John Elliott of Townhead in Hundersfield Lancashire Gentleman (5) preparatory to and declaring the uses of the next recovery of the following amongst many other messuages lands and hereditaments namely Mansion-house called Ewood in Haslingden and closes occupied therewith area 25a 1r 8p customary measure in the occupation of James Duckworth afterwards of Norris and Clarke since of Chorley and Gorton and then of Thomas Radcliffe and the representatives of Thomas Hopkinson deceased ; Tenement called High-barn at Ewood and closes occupied therewith area 6a. 1r. 38p. customary measure in the occupation late of Alexander Pickup then of Henry Cunliffe ; Tenement called Ewood-lane-head at Ewood and closes occupied therewith area 14a. or. 21p. customary measure in the occupation late of Robert Brookes then of Robert Brookes his son ; Tenement called Bridge-end at Ewood and closes occupied therewith area 5a. 3r. 30p. customary measure in the occupation late of John Medcalf and Peter Pentington since of Norris and Clark then of Thomas Radcliffe ; Tenement called Warth at Ewood and closes occupied therewith area 13a. 3r. 18p. customary measure in the occupation late of John Medcalf and Peter Pentington then of James Holden ; Tenement called Home-meadow at Ewood and closes occupied therewith area 6a. or. 25p. customary measure in the occupation late of Dennis Low then of Alexander Pickup. And all other messuages etc. in the parishes of Bury Whalley and Middleton or elsewhere in Lancashire. The uses are in favour of Robert Nuttall in fee.

(61) March Assizes, 1819. Recovery levied at Lancaster to bar entail Randall Andrews demandant Thomas Starkie Shuttleworth tenant and Robert Nuttall vouchee of 20 messuages 10 cottages 20 barns 20 stables 20 shippens 4 fulling mills 2 paper mills 20 gardens

10 orchards 150a of land 60a of meadow 100a of pasture 10a of wood-land 5a of land covered with water 30a of furze and heath common of pasture for all cattle and common of turbary in Heap Middleton Haslingden and Tottington in the parishes of Bury, Middleton and Whalley.

(62, 63) 11th and 12th December, 1823. Lease and Release between Robert Nuttall late of Bury but then of Kempsey-house Worcestershire Esquire (1) John Elliott of Townhead-in-Hundersfield Rochdale Gentleman (2) Edward Ball of Wardleworth Rochdale Gentleman (3) John Parkinson of Ewood in Haslingden Cotton Spinner (4) Clement Royds of Greenhill Rochdale Esquire (5) and William Elliott of Townhead-in-Hundersfield Gentleman (6) on sale to John Parkinson of the whole estate part of which was then subject to building leases for 999 years dating back to 1791. The description of the property is similar to that in the deed dated 12th March 1819, but the measurements stated to be in the measure of seven yards to the rod are :—

<i>Holding.</i>	<i>Tenant.</i>	<i>Area.</i>
Ewood-hall	John Parkinson	20 0 0
High-barn	Henry Cunliffe	8 2 0
Ewood-lane-head	Robert Brooks	12 2 0
Bridge-end	John Parkinson	6 2 0
Warth	John Holden	11 0 0
Holme-meadow	Alexander Piccop	6 1 0

Leased for building 1539, 440, 3390, 2442, 2303½ square yards.

Leased for building 736 square yards.

Leased for building 3000 square yards.

Edward Ball was with John Fildes deceased executor of James Lancashire (Will dated 5th July 1809), who was executor of John Lord (Will dated 18th May 1795), who was executor of John Lancashire (Will dated 19th June 1783.)

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N.B.—Place-names are printed in *italics*, things in *capitals*. The particle “*de*” is generally ignored.

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THE
HUNDRED OF LEYLAND
IN LANCASHIRE

BY
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VICAR OF ST. JOHN THE DIVINE, COPPULL

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THE HUNDRED OF LEYLAND IN LANCASHIRE.

I. BEFORE AND AFTER THE NORMAN SETTLEMENT.

THERE are three features that distinguish Leyland hundred among the various hundreds of Lancashire. It is the smallest surviving hundred. It is also the hundred which remained in private hands for the longest period. Further, it is the only hundred the lordship of which in later times was divided.¹ The two last-mentioned circumstances are to be discussed presently; meanwhile something may be said about the size of Leylandshire. There were two other small hundreds, Newton and Warrington, among the six existing in the land between Ribble and Mersey at the time of the Norman Conquest. Leyland was larger than the former, and not much less than the latter. The following was the position of the three in the time of King Edward :²

	Berewicks.	Assessment in Carucates.	In Hides.	Rent.
Warrington	3 and 34 drengs	58	9 $\frac{2}{3}$	$\pounds$ 14 18s. $\pounds$ 19 19s. with Penwortham. $\pounds$ 10 10s.
Leyland .	12	54	9	
Newton .	15	30	5	

In the thirteenth century it transpires that Warrington had three parishes, Leyland six, and Newton two.³ If, with these details before us, we glance at the map of Domesday hundreds, we see that Leyland was not originally the smallest.⁴ After the creation of the baronies, Newton and Warrington hundreds lost their identity; and probably early in the reign of Henry I they were merged in the larger hundred of West Derby; ⁵ but Leyland hundred survived. Further, when we take a wider view, we see that it is only in comparison with its neighbours that Leylandshire is small. The hundreds of Lancashire are themselves large; they average 300 square miles in area, while some hundreds in the south of England do not exceed 2 square miles. A

¹ Blackburn hundred was given to two men by Roger de Poitou; but afterwards it was granted to Ilbert de Lacy, *V.C.H. Lancs.*, VI, 232.

² *Ibid.*, I, 286-287.

³ *Ibid.*, III, 1. P.

⁴ *Ibid.*, I, 269 (facing).

⁵ *Ibid.*, II, 193-194; III, 1. The wapentake of Makerfield, i.e. Newton, is mentioned as late as 1292. *Ibid.*, 24 n. 13.

Kentish hundred (there are seventy in Kent) may contain only two or three vills, in some cases possibly only one.¹ Leylandshire contained about forty vills, and its area is 135 square miles, 278 acres, so that its smallness is only relative.

Leyland hundred extends in length from Boar's Head, near Wigan, to Ribble Bridge, near Preston, a distance of about 12 miles; and from Great Hill, on the Rivington range, to Rufford, a breadth of about 14 miles.

The boundary on the north is the Ribble, beginning at the Snoter Stone at Hundred End, on the estuary, and ascending the Ribble eastwards as far as the beginning of Walton-le-Dale. On the east, the frontier consists of Blackburn hundred from Walton to Sharples; and of Salford hundred from thence to Blackrod. The south boundary consists also of Salford hundred from Blackrod to the metes of Wigan; and for the remainder of the way West Derby hundred. At Wigan boundary the line leaves the Douglas, which it has followed from Blackrod, and passing the notable boundary stone on Wigan road which divides two dioceses and two hundreds, goes by Mere Oaks to the Douglas again at Martland Mill Bridge. On the west side, Leyland hundred is bounded throughout, as stated, by that of West Derby; the line following the Douglas from Crooke to a point below Rufford station; then leaving the river, and running across the site of Martin Mere (now drained) in a north-westerly direction, to the above-mentioned Snoter Stone (now submerged, but the site is marked) at Hundred End.

The area of the ancient parishes is as follows:—²

LEYLAND, including the townships or chapelries of Clayton-le-Woods, Cuerden, Euxton, Heapey, Hoghton, Leyland, Wheelton, Whittle-le-Woods and Withnell, 19,264 acres.

PENWORTHAM, including Farington, Howick, Hutton, Longton, and Penwortham, 10,827 acres.

CROSTON, including Bispham, Bretherton, Croston, Mawdesley, and Ulnes Walton, 10,758 acres. Other ancient chapelries of Croston, now parishes and rectories are: Chorley, 3614 acres; Hesketh-with-Beconsall, 3662; Hoole, 2993; Rufford, 3120; Tarleton, 5545.

ECCELESTON, including Eccleston, Heskin, Parbold and Wrightington, 8412 acres.

STANDISH, including Adlington, Anderton, Charnock Richard, Coppull, Duxbury, Heath Charnock, Shevington, Standish-with-Langtree, Welch Whittle, and Worthington, 15,377 acres.

BRINDLE, 3106 acres.

These figures include inland water, but not tidal water and fore-shore. In some parishes they are subject to variation from time to

¹ Pollock and Maitland, *Hist. Eng. Law*, I, 556. H. M. Cam, *The Hundred*, 141.

² *V.C.H. Lancs.*, II, 338-339.

time, owing to the reclamation of land.¹ The total, as given above, is 86,678 acres.

The names of hundreds arose, not from the general features of their entire area, but from the name of the chief manor; and that again arose in some cases from some purely local and comparatively unimportant object or circumstance. Blackburn vill was so-called from a stream, and Salford from a passage across a river; so that a small thing can immediately decide the name of a town that may become a city, and mediate give a name to a widely-extending district or division of a county. Dr. E. Ekwall is doubtful whether the first element of Leyland can be O.E. *lēah*, as this ought to yield early M.E. forms such as *Lēhland* or *Leland*. The latter is found, but somewhat late, and more rare than might have been expected; *Lelandsire* occurs (c. 1222-26), and *Thomas de Leland* (1311).² No form such as "Leghland" is known. On the other hand, *Lailand* occurs in 1086, and *Layland* frequently later. These forms favour a derivation from *lea*, *ley*, *lay*, "fallow, unploughed." Accordingly, Dr. Ekwall takes the name Leyland to be merely Middle English *ley-land*, that is, "fallow land."

The Lancashire hundreds are older than the county. They existed in 1066, as we see from Domesday Book, where those north of Ribble are surveyed with Yorkshire, but Leyland and the other southern ones with Cheshire; whereas there was no Lancashire until 1267.³ The antiquity and origin of the unit of territory known as a hundred are matters highly controversial, and cannot be dealt with here. Dr. Round deprecates the desire to identify the later hundred, as we know it, with an original hundred warriors, families, or hides. If, as far back as the time of Tacitus, he argues, the hundred had already become a name rather than a number among the German tribes, then we may well acquiesce in the statement of Bishop Stubbs that at the time of the English migration to this country the divisions of the country which they made would have a similar indefiniteness.⁴

Long before that migration the future Leyland hundred was populated. Prehistoric relics and Roman relics found in the locality tell us that. One great Roman road ran through the district, connecting the fort at Wigan immediately to the south with the fort at Walton-le-Dale on the northern boundary.⁵ At the time of the English invasion, and for some time afterwards, there were British people dwelling between the Douglas and the Ribble. These waterways, together with the Yarrow, are the three chief rivers of Leyland hundred, and they

¹ See p. 4.

² See the name in Ekwall, *Lancs. Place-Names* (Vol. LXXXI), 133, 126. *Lelandsire*, *Lancs. Inquests*, I, 132; *Leland*, *ibid.*, II, 2.

³ *V.C.H. Lancs.*, II, 195.

⁴ Round, *Feudal England*, 98.

⁵ Porteus, *Hist. of Standish*, 4-6.

bear British names. If this is not conclusive evidence of population, stronger proof is to be found in several township names, the two Charnocks, Eccleston, Heskin, and Penwortham; and probably also in the names of two streams, Cokerdene and Wymott Brook. Walton, moreover, means the *tūn* of the Britons; and there is one place of the name within the hundred (Ulnes Walton), and another, just mentioned, on the frontier.¹

When the English arrived and their kingdoms were founded, the territory between Ribble and Mersey soon became a debateable borderland on the confines of Northumbria and Mercia. Perhaps, at first, part of Cumbria or some other British kingdom, it was now conquered and colonized in turn by one or the other of these rival powers. Moreover, it lay open to invasion from the sea.

The spread of population, when the English came, can be determined tentatively by the names of the ancient vills and the nature of the ground. Some low-lying parts of the hundred would be uninhabitable for centuries; but that cannot be said, it seems to us, with the same certainty, of the wild hill country on the east. The Douglas from Wigan to Rufford divides West Derby and Leyland hundreds, but at the latter place it enters the hundred, bisecting the ancient parish of Croston on its way north to the Ribble. The land to the west of Douglas lies low. Here the Douglas, by virtue of the high tides which came sweeping up from the Ribble, was called an "arm of the sea"; and it separated Hesketh, Tarleton, and Hoole for days together from the rest of the world.² Bounded by the two rivers and a moss, Hesketh was practically a peninsula; and the same may be said both of Tarleton and Rufford. Hesketh had only one ridge of land habitable until last century, when more than half the township was tidal water; but 1840 acres were reclaimed from the Ribble.³ Tarleton and Rufford were similarly situated between Martin Mere and Douglas, and flanked by mosses. Martin Mere was drained in 1781, and a tract of 3632 acres reclaimed, of which part was in these two townships, and within the hundred.⁴

There are thirty-three names of townships in Leyland hundred, probably English, of which fourteen end in *tūn*, five in *hyll*, two in *ham*, two in *leah*, and individual places in *burh*, *bold*, *wic*, *land*, and *worþ*. Other original townships are Hoole, Heapey, Standish, Langtree, Rufford. All these, except Rufford, lie east of the Douglas, and most of them a good distance east on higher ground.

Dr. Ekwall infers that the old Anglian settlements are mostly those

¹ See these places in Ekwall, *Lancs. Place-Names* (Che. Soc., 81), esp. 224-225 and Shevington, *op. cit.*, 263-264. The list could be extended, e.g. Culmariclogh, Pendenton, *V.C.H. Lancs.*, VI, 228 n., 212 n.

² *V.C.H. Lancs.*, VI, 114, 118, 127.

³ *Ibid.*, 111.

⁴ *Trans. Soc. Arts*, VII, 1786.

on the slowly-rising ground east of the lower Douglas, and near the Ribble; whereas the very low-lying and partly mossy land near the western boundary of the hundred would not be colonised to any great extent until after the Scandinavian invasion. He concludes that the earlier English settlements lay within the bounds of the *present* parishes of Standish, Chorley, Leyland, Eccleston, and Penwortham; while the old Croston parish (including for this purpose Rufford, Tarleton, Hesketh, Mawdesley, and probably Hoole) represents later colonisation. Croston itself is not so low-lying that it may not have been an old English settlement, the Norse name of the vill having, perhaps, replaced an older English one.¹

The seventh century was a time of great turmoil. Two, perhaps three, upheavals happened during this period in the land between Ribble and Mersey. First, the district was subdued by the Northumbrians and added to their kingdom after the battle of Chester (which took place in 613 or 616²), if not before that event. This battle is an important historical landmark; for Ethelfrith's victory drove a wedge between the Britons of Wales and those of Cumbria. There is some evidence that the Northumbrians made settlements in the land between Ribble and Mersey at this time, and it is doubtful whether the region ever returned to British rule.³

Later in the century came the conquest of this district by Mercia, superseding very largely the earlier Northumbrian settlement. Penda, King of Mercia (626-655) who overthrew two great kings of Northumbria, Edwin in 633, and Oswald in 642, appears to have recolonized parts of the West Riding; and the future South Lancashire may have been settled by Mercians about the same time. This seventh century Mercian conquest has been formerly recognized as a possibility; but the evidence of place-names makes it much more certain. Mercian names in South Lancashire, believed to be due to the later annexation in the tenth century, are now to be assigned to this earlier conquest, which was more thorough-going and enduring in its results than was commonly accepted. Dr. Ekwall speaks very positively: "When, in or after 655, the Northumbrians recaptured the West Riding, the land between the Ribble and the Mersey may have again become a Northumbrian dependency, but, if so, its population was then preponderatingly Mercian."⁴

The evidence for another re-conquest by Northumbria does not seem to us very conclusive. True, Whalley is said to be in Northumbria in 798, and Manchester in Northumbria in 923;⁵ but this description may be general, equivalent to "the country north of the

¹ Ekwall, *op. cit.*, 238-239, 251, 126-138.

² Bede, *Eccl. Hist.*, ed. Plummer, II, 77.

³ Ekwall, *op. cit.*, 231.

⁴ *Ibid.*, 232.

⁵ *Two Saxon Chrons.*, ed. Plummer, I, 57, 104.

Humber.”¹ If the recovery by Northumbria took place, may it not have been undone by the conquests of Æthelflæd, daughter of Alfred? Is there not a possibility that some of the *burhs* built by her, and not yet identified, lay between the Ribble and Mersey?

In 920 or 923, after the death of his sister, Æthelflæd, Lady of Mercia, in 918 or 919, Edward the Elder built a fort at Thelwall on the south bank of the Mersey, and sent a Mercian force to repair and garrison Manchester, described as in Northumbria.² No mention is made of “driving out the Danes”; the record suggests the building up and occupation of a fortress that has fallen into neglect, in furtherance of the policy of Æthelflæd. If not by Æthelflæd, certainly by Edward or Athelstan, the future South Lancashire was attached to Mercia.³ Dr. Ekwall concludes, from the evidence of place-names and other considerations, that long before the fusion with Mercia which became more definite in the tenth century, the district had a Mercian population. He refers to Brandl, who, writing on the geography of Old English dialects, lays stress upon the fact that the land between Ribble and Mersey was placed in the diocese of Lichfield, and takes it to prove that the Ribble was the ancient boundary between Mercia and Northumbria.⁴

At the Norman Conquest, assuredly, this district shows more affinity with Mercia than with the other ancient realm. In Domesday Book it is surveyed in close association with Cheshire; and, unlike Northumbria, divided into hundreds and assessed in hides. Nevertheless, there are some traces of Northumbrian connection. The assessment of 480 carucates has apparently been brought into line with that of hidated Mercia, and subjected to a great reduction by reckoning six carucates as one hide.

After outlining, as we have done, the contention between Mercia and Northumbria for the land between Ribble and Mersey, we must return to the question of Scandinavian influence in Leyland and its neighbours. The later Northumbria was a foreign power. Northmen from overseas had conquered York as early as 867, and made settlements *inter alia* along the western coast. They had colonies in Ireland also; and there was much coming and going between Dublin and York in the tenth century. The hundreds to the north and west of Leyland, namely, Amounderness and (West) Derby, have Scandinavian names;⁵ the former is stated to have been purchased about 930 by Athelstan from the pagans, that is, from the Northmen.⁶

¹ “Any place in the north of England was in Northumbria”; Prof. W. G. Collingwood in *Trans., Cumb. and West. Antiq. Soc.*, II, N., S. 238.

² Plummer, *Two Saxon Chrons.*, I, 103, 104; II, 116-117.

³ See *V.C.H. Lancs.*, II, 178-179.

⁴ Ekwall, *op. cit.*, 232.

⁵ Ekwall, *op. cit.*, 129, 356, 93, 114, 247, 252, 256.

⁶ *Historians of the Ch. of York*, Rolls Ser., II, 239.

Within the hundred itself are found names which are at least partly Scandinavian. Dr. Ekwall mentions among these certain ancient townships, Beconsall, Hesketh, Croston, Tarleton, and probably Bretherton. Thorpe deserves a place with these, although but a part of Bretherton.¹ There was a Scandinavian colony at least in the west of the hundred; but names such as Crooke (in Whittle-le-Woods), Limbrick (in Heath Charnock), Roscoe Lowe (in Anderton), Blainscough and Ellerbeck (in Coppull) are interspersed with English names on the east side.² On the eastern boundary also lies Anglezark (*Anlaves-ergh*) in Salford hundred.³ Within Leyland hundred, also on the east, and adjoining Anglezark, is Gunnolf's Moors. This district is usually understood to include Hoghton, Withnell, Wheelton, and Whittle-le-Woods (another account substitutes Heapey for Whittle);⁴ but a careful examination of the bounds described in the ancient charter leads us to think that Withnell and Heapey only were included.⁵ Gunnolf, the tenant in early times, was probably a Scandinavian chieftain.⁶ The fact that in their customs the men of Leyland hundred for the most part went with West Derby and the adjoining hundreds in 1086, is another indication of Scandinavian influence. For the thanes of Derby paid two *ores* of pence for each carucate of land. Again, in the adjoining hundreds on the south of Leyland (Newton and Warrington) the tenants are called drengs. Once more the land between Ribble and Mersey was carucated; and although "hundred" is used in 1086, these hundreds were also, in other documents, called *wapentakes* (the word is applied to Leyland in 1188), and often described in that way until modern times. These features are Scandinavian, and, specifically, may be Danish.⁷

Of course, side by side with the mention of *ores* of pence we have shillings, hides in addition to carucates, thanage as well as drengage, and in later records "Leylandshire" and "Derbyshire," as well as the wapentakes of Leyland and Derby, in short, Old English overlapping Scandinavian characteristics. All this, especially the double system of assessment in 1086 soon to be more fully stated, speaks of intermixed races and tongues and successive governments in this part of the land.

Let us now look a little more closely at the salient features of the hundred in the Domesday Survey.⁸ As yet there was no county of Lancaster; and, as noticed above, the southern portion of the future county, the territory between Ribble and Mersey, appears in the survey as an appendix to Cheshire.

¹ See p. 25; and Ekwall, 137, 245, 247, 251.

² *Ibid.*, 251.

³ *Ibid.*, 48, 245.

⁴ *Ibid.*, 131; *V.C.H. Lancs.*, VI, 37.

⁵ *Lancs. Pipe R.*, 375-376.

⁶ Ekwall, 251.

⁷ *V.C.H. Lancs.*, I, 283-287, 271; Ekwall, *op. cit.*, 246-247. Wapentake is not used in this sense out of England. Chadwick, *A.-S. Institutions*, 245.

⁸ *Dom. Bk.*, fol. 262b, col. 2; *V.C.H. Lancs.*, I, 283-287.

The land between Ribble and Mersey had been in the hands of the Crown before 1066. After the Conquest (not earlier than 1072) it had been granted to Count Roger, called "the Poitevin," son of the Conqueror's cousin, Roger of Montgomery. At the time of the survey, 1086, it was again in the King's hands; but soon afterwards was again granted to Count Roger.¹ The most remarkable feature of this district, due no doubt to the lingering influence of successive rulers, is the apparent superimposition of one system of assessment upon another. Assessment for the geld by the carucate or plough-land, with its eighth part the bovaté or oxgang, is here found side by side with the other system, of which the unit is the hide, with its quarter the virgate. We have carucates unresolved into hides; e.g. though the survey states (in the account of West Derby) that the hide contains, in this district, six carucates, we find "6 hides and 8 carucates" (Leyland); "5½ hides and 40 carucates" (Blackburn); "42 carucates and 1½ hide" (Salford).

The hide unit system is thought to be marked by recurring multiples of five hides; thus West Derby had about twenty hides, Warrington hundred five hides.² The carucate system, on the other hand, is characterised by a tendency to assess places in multiples of six carucates. The hide system has been called a normal English method. Assessment in carucates and the practice of counting by sixes is thought to be due to Scandinavian settlement.³

Again, the reckoning of six carucates to one hide points to a great reduction in assessment in this district, due perhaps to devastation, or to royal ownership. The six hundreds between Ribble and Mersey were large royal manors; partly retained in demesne, and partly granted out to thanes, drengs, or freemen, who held them by rent and other services similar to villeinage. Hence the lordship of the hundred here, whatever it may have been elsewhere, was by no means "incorporeal" at this early date.⁴ The hundred was a manor and had its *aula*, demesne, and tenants in service. The King, and the later lords to whom he granted the hundred, had "relief" and other feudal dues. No doubt the King would retain, in making any such grant, all pleas of the Crown.⁵ It is important to remember these features in the hundreds of South Lancashire when dealing with their later history.

The account of Leyland hundred in the Domesday Survey is brief

¹ *V.C.H. Lancs.*, II, 179, 180 *et seq.*, where the subsequent history is traced.

² *V.C.H. Lancs.*, I, 270, 271; II, 178; Round, *Feudal England*, 69 *et seq.*

³ *Ibid.*

⁴ See Pollock and Maitland, *Hist. Eng. Law*, 2nd ed., I, 558. Speaking of Devonshire hundreds in private hands in 1320, the authors say: "In this sense a 'hundred' is an 'incorporeal thing'; the lord of a hundred need not be lord or tenant of a single acre of land within the precinct."

⁵ *V.C.H. Lancs.*, III, 3 n.

and lacking in detail. Only two places are named. No churches are enumerated, only one priest is mentioned. The Survey states that the hundred and manor of Leyland in 1066 were King Edward's. He held in demesne one hide and two plough-lands, with woodland 2 leagues long by 1 broad and an eyry of hawks, while twelve berewicks appurtenant were held for as many manors by twelve free men. In these were six hides and eight plough-lands, with woodland 6 leagues long by 3 leagues and 1 furlong broad. In Penwortham were two ploughlands held by King Edward. The men of the hundred had the same customs as those of West Derby and the other hundreds, with one or two exceptions to their advantage, which they shared with the men of Salford.¹ They are called "freemen," but appear to have the same status as the thanes of Salford, and West Derby, and the drengs of Newton and Warrington, who are also "free men."² Their exceptional privileges, just referred to, were that they were not required to work at the King's hall, building and repairing. They made but one enclosure (*haia*) in the wood. They also had the forfeiture of bloodshed and of rape. If this means that the lords of the manors or berewicks had the 10s. fine for these offences committed on their land, instead of the forfeiture going to the lord of the hundred (in 1066 the King), it seems to suggest that the free men in Leyland hundred had a higher status than most of the tenants of West Derby hundred.

The manor of Leyland, with the hundred, together rendered £19 18s. 2d. to the King. Penwortham paid 10d. This was the rent (*firma*). The sum was made up of a farm, probably of two *ores* of pence (32d.), from each carucate or plough land. A similar sum of 32d. was included for carucate geld, as mentioned in the customs of West Derby. There would also be certain forfeitures, etc.³

So much for the state of the hundred in 1066; now consider its condition twenty years later, at the time of the Survey.

In 1086 Girard held 1½ hides of the land of Leyland manor, Robert three ploughlands, Ralph and Roger two ploughlands each, Walter one ploughland.⁴ There were four radmans, a priest, fourteen villeins, six bordars, two neatherds.⁵ They had eight ploughs. Part of the

¹ *V.C.H. Lancs.*, I, 287.

² *Ibid.*, I, 285.

³ The later history of rents, as given below, shows instances of 5s. 8d. paid for a carucate. See p. 24. See for rent and average values, *V.C.H. Lancs.*, I, 275-277 n.

⁴ The status of these five men is not given; names and context suggest that they were Norman knights. Roger of Poitou's grants to knights in Salford hundred are recorded, also the value of the land given to knights by him in the whole district. *Ibid.*, 287. Though he introduced Norman military tenure, he may have granted some land to thanes; *ibid.*, II, 183.

⁵ A radman or riding-man held land on condition of performing service on horseback. See *Oxford Dict.*, also Maitland, *Domesday Book and Beyond*, ed. 1907, pp. 57, 305, 307. The bordar and cottar held land by similar tenure, doing menial service. They were less free than villeins, more free than serfs. See works quoted, Maitland, 23, 25.

land was waste. The woodland had diminished to an area, 3 by 2 leagues ; but there were four eyries of hawks. The value was 50s.

Penwortham in 1086 had a castle, and was worth £3. There were two ploughs in the demesne, and six burgesses, three radmans, eight villeins, four oxherds, with four ploughs. Half a fishery, woodland, eyries of hawks were as in the time of King Edward.

The statement as to waste, "*ex parte est wasta*," relates to the condition of the hundred in 1086. It means, therefore, probably not land infertile but depopulated. It may be read in connection with the distressed state of Amounderness, and also the remission of rent in Blackburn hundred. Probably those parts nearest to Amounderness shared in its devastation, which was caused, likely enough, not merely by the Conqueror's army, but by the fighting, in and near Tostig's dominion, between his partisans and the armies of Morcar and Harold.¹ Moreover, Leyland hundred lay near the Ribble ; some of Hardrada's men, allies of Tostig, may have sailed down the river and laid waste the lands on both banks.²

There are two outstanding features in the Survey, so far as it relates to 1086, namely the decline of Leyland (hundred and manor) and the increased importance of Penwortham. Whether the value of Leyland, which had fallen from £19 18s. 2d. to 50s. in twenty years, ever regained its former standard we do not know. The rent of the devastated portions would be remitted for a period, as in the case of the Blackburn hundred tenants. We hope to trace the history of these rents and to show that some of them must have persisted almost unchanged for centuries.³ If they recovered their former value after 1086, they must have been diminished again by the formation of baronies, and by the specific remission or redemption of various items. But it is not without meaning, perhaps, that the places in which the rents persisted (as will appear from the discussion which follows) were for the most part in the south part of the hundred,⁴ that is, furthest away from Amounderness, where sharp fighting seems to have taken place, as already mentioned, and from Blackburn hundred, where some disaster had also occurred.

But if Leyland had decreased in 1086, Penwortham had increased ; perhaps for connected reasons. When the foe were driven out, a barrier against their return would be needed. A fortress had been erected, commanding both the river and a road from the north which crossed the river here, where there was a ford across the stream.⁵ Castle Hill at Penwortham, the traditional site of this ancient forti-

¹ *V.C.H. Lancs*, I, 274 ; II, 180.

² For Norsemen on the west coast, *ibid.*, II, 177. ³ See below, pp. 21, 24-37.

⁴ The castle guard rent from Clayton is an exception, see Map, *frontispiece*.

⁵ Penwortham Bridge was built about 1750, *Mem. Old Lancs.*, I, 76 ; *V.C.H. Lancs.*, VI, 76.

fiction, is an eminence suitably placed for these purposes. The value of Penwortham had increased from 10d. in 1066 to £3 in 1086. It can scarcely be doubted that the castle had brought this prosperity; and the comparative value is so great as to support the suggestion of Professor Tait that Roger the Poitevin's castle was here¹ (or at Clitheroe) rather than at Lancaster. The number of men at Penwortham in 1086 is large (twenty-one), compared with the thirty-two in all Leyland manor and hundred. There are six ploughs in Penwortham, with its two carucates, against the eight in Leyland manor and hundred, which are assessed at fifty-two carucates. The men at Penwortham include six burgesses. Burgesses are mentioned in connection with Arundel and various other castles in the Domesday Survey.² At Tutbury there were "in the borough about the castle 42 men living from their own merchandise only."³ This makes it fairly certain that the Penwortham burgesses were residents there.⁴ The castelry borough appears to have been a special type. At Penwortham the borough became extinct as the castle declined.

Attempts to identify the twelve plough-lands, held for as many manors, and dependent upon the capital manor or hundred of Leyland in 1066, are attended by many pitfalls; and the same is true of any tentative identification of the blocks of territory held by the five men, Gerard, Robert, Ralph, Roger, Walter, in 1086. Especially as a fresh distribution of land was made after the temporary dispossession of Roger the Poitevin.⁵

Nor can we tell exactly when the local manor of Leyland came to be separated from the hundred. The question will be discussed in dealing with the barony of Penwortham. One outward sign of the separation was the transference of the hundred court to Eccleston, within the hundred, but outside the barony.⁶ This gave rise to the occasional description of the hundred as "the wapentake of Eccleston." It will be observed that "thane" is not used in the Domesday account of the tenure of the free men of Leyland. But we employ it here as a convenient name for a form of tenure by free rent substantially equivalent to thanage.

The important point to notice in the Survey is the existence of two chief centres of influence, Leyland and Penwortham. The hundred and the barony remained for centuries the two feudal forces in the district.

¹ *V.C.H. Lancs.*, II, 181, and notes 44 and 46; *ibid.*, I, 279.

² Ballard, *Domesday Inquest*, 176-180.

³ *Dom. Bk.*, I, 248 b, col. 1.

⁴ Maitland, *Dom. Bk. and Beyond*, 189; Bateson, *Gild Merchant*, II, 235.

⁵ *V.C.H. Lancs.*, II, 183.

⁶ Pp. 21, 81.

II. THE LORDSHIP OF THE HUNDRED OF LEYLAND.

The creation of baronies with their courts after the Conquest no doubt diminished the importance of the hundred and hundred courts ; but the old hundredal system was by no means abolished. It co-existed side by side with the military fiefs, and perhaps the exact relationship between the two was never very carefully defined. The fee granted to Ranulf, Earl of Chester and Lincoln, by Henry III in 1229 is an illustration of this. The grant included several hundreds and vills, the vill of West Derby with the wapentake and the forest, the borough of Liverpool, the vill of Salford with the wapentake, and the wapentake of Leyland, with the sake fee of the military tenants, to hold in fee by rendering yearly at Michaelmas a mewed goshawk or 40s.¹ The non-military character of the grant is noticeable. This grant is the first important record of the wapentake of Leyland since the Conquest, apart from references to the serjeanty of the hundred which will be considered later. The fact that the vill of Leyland is not included, as in the case of the vills of West Derby and of Salford, shows that by this time the vill of Leyland and the hundred were to some extent separated.

This grant from Henry III to Earl Ranulf and his successors has sometimes been described too summarily, if not erroneously, as a donation of all the land between Ribble and Mersey.² Here it is overlooked that the hundred of Blackburn was already in the hands of the Lacy family.³ The charter of 1229 actually says that Earl Ranulf is to have all the King's land [not all the land] between Ribble and Mersey.⁴ In the three hundreds of West Derby, Salford, and Leyland, a lordship was conceded similar to that which Roger de Poitou once held between the two rivers ;⁵ but the tenure of Knight's fees in the time of Earl Ranulf's successor, William de Ferrers, shortly to be mentioned, indicates that the superior lordship of the Earl did not extend to the hundred of Blackburn.

About the same time as the grant of the three wapentakes in 1229, Earl Ranulf also acquired from another Ranulf, son of Roger de

¹ *Cal. Chart. R.*, I, 102 ; *Fin. Conc.*, I, 112.

² *V.C.H. Lancs.*, III, 3 ; I, 441. (See also *Lanc. Inquests*, I, 146, n.)

³ *Ibid.*, I, 300, 313, 336.

⁴ *Cal. Chart. R.*, I, 102.

⁵ *V.C.H. Lancs.*, I, 283.

Marsey, the manor of Bolton and other possessions in Lancashire. Eight places in the hundred of Leyland are mentioned in the charter; and they are all in the parish of Standish.¹ These will be briefly called the Marsey possessions or the Marsey mesnes in this discussion.

Upon the death of Ranulf, Earl of Chester and Lincoln, in 1232, a division of his estates was made; and the two acquisitions mentioned above, the hundred of Leyland (with the other rights included in King Henry's grant), and the Marsey possessions, came to William de Ferrers, Earl of Derby, in right of Agnes his wife, one of the sisters and co-heirs of Earl Ranulf.²

The history of Leyland hundred is closely bound up with the fortunes of the Ferrers family. We are grateful, therefore, for the record of a clearer definition of the rights that they held in the three specified hundreds. William de Ferrers, Earl of Derby, was accused in 1241-42 of exactions and other offences; and the three wapentakes of West Derby, Salford, and Leyland were taken into the King's hands, but redeemed by a fine of £100. When they were restored in 1242 the King reserved all pleas of the Crown, and attachments belonging thereto, and pleas of cattle detained against pledge. Liberty was also reserved to the sheriff and coroners to enter the wapentakes and make inquiry of all pleas pertaining to the Crown and the peace. The Earl agreed to treat the men between Ribble and Mersey in pleas of the forest and all other pleas as they were treated and used in the time of King John, and up to the time of King Henry's grant to the Earl of Chester; and that they would have only the liberties and customs in those wapentakes of the men and all others there which they who held those wapentakes up to that time of the grant possessed and used.³

In an inquest concerning the payment of scutage, following a writ from the King to the sheriff dated 9th December, 1242, in which writ the King alleges that many withhold scutage denying that they hold by military service, many knights' fees in the county are said to be held of the Earl of Ferrers, and that he holds of the King in chief. This is so with regard to fees in the hundreds of West Derby, Salford and Leyland (all between Ribble and Mersey). The Earl of Lincoln's fees in the hundred of Blackburn and beyond the Ribble are held of the King in chief; but his fees in Leylandshire are held of the Earl of Ferrers, who holds of the King in chief.⁴ This throws light on the relationship between the Lacy fee and the fee granted to Earl Ranulf, as already discussed. William de Ferrers was not his superior in the hundred of Blackburn, but only in the wapentakes granted to Earl Ranulf in 1229. Similarly, William Butler, baron of Warrington in 1235, held a fee in Amounderness, and other lands elsewhere, of the honour of Lancaster; but for his two fees between Ribble and Mersey

¹ Ormerod, *Cheshire*, ed. Helsby, I, 37.

³ *Ibid.*

² *V.C.H. Lancs.*, III, 3.

⁴ *Lancs. Inquests*, I, 145-155.

he was answerable by the King's precept to William, Earl of Ferrers.¹

The inquirers of the wapentake of Leylandshire in the inquest referred to in 1242-43 were Robert Bussel, Warin de Waleton, Robert de Cleyton, Richard Banastre, Walter de Hole, Richard de Thorpe, William de Worthinton, Richard de Chernoc, John de Cophull, John de Cleyton, and Robert de Wythull. It was found that Warine de Waleton held the fifth part of a knight in Waleton (Ulmes Walton), Richard Banastre and five other tenants named held a twelfth part in Bretherton, Robert de Cleyton held a tenth and twentieth parts in Cleyton and Penwertham, the abbot of Cokersand held a fourth and twentieth part in Hoton (Hutton), Robert son of Richard, a tenth part in Longeton (the third of this was dower of the countess [of Lincoln], Robert Bussel held the tenth part of a knight in Longeton, Leyland and Eukeston, the heir of Robert Banastre the fourth part in Sewinton (Shevington), Schernoc (Charnock) and Walsewythull (Welch Whittle). All were held of the Earl of Lincoln, and he of the fee of the Earl of Ferrers, and he of the King in chief.²

Such fragmentary glimpses of the tenure of land in the district are all that is available.

In addition to the wapentake and the Marsey rights within the hundred, William de Ferrers acquired, in or before 1246, the hereditary office of chief bailiff of the wapentake of Leyland, which he purchased from Robert de Clayton. This bailiwick is more conveniently reserved for later discussion.³ It is mentioned because of the confusion which has arisen between this serjeanty and the lordship of the wapentake.

The Earl died in 1247, and his estates passed to his son, another William de Ferrers, who married Margaret, lady of Groby.⁴ In 1251 he had a charter of free warren in all his demesne in Liverpool and neighbouring manors. He petitioned for leave to hold pleas of the forest in his forest between Ribble and Mersey, probably without success.⁵ Nevertheless, the forest rights granted to Earl Ranulf in 1229, and confirmed to William de Ferrers (I) in 1242 were considerable,⁶ and in part at least had descended to the latter's son. For on the death of Roger Gernet, forester of fee in the county in 1252, while Roger held land in chief of the King by bailiwick of the forest in Halton, Fishwick, etc., it was found that in Whiston and Speke he held of Sir William, Earl of Ferrers, certain lands by service of the forest. In Leylandshire he held in chief of the Earl two carucates of land in the vill of Eccleston by service of the forest, finding one suitor at the Earl's Court, and one judge at the County Court.⁷ In

¹ *Lancs. Inquests*, I, 146 n.; *V.C.H. Lancs.*, I, 340, 341.

² See p. 63.

³ *V.C.H. Lancs.*, I, 441; III, 4.

⁴ *Lancs. Inquests*, I, 188.

⁵ See n. 4, p. 13.

⁶ *G.E.C. Complete Peerage*, V, 596.

⁷ *Ibid.*, III, 3.

1253 William de Ferrers (II) had a dispute with the men of West Derby as to the appointment of a gryth-serjeant for the hundred. He died in 1254, before the suit was ended.¹

Robert de Ferrers, the heir, was only thirteen years of age. Until he came of age in 1262, the wardship of the lands was entrusted by the King to his eldest son, Edward. This explains the appearance of the fee in the account of the bailiffs of Sir Edward, the King's son, in 1257. Under the title of "Lailondsire" we get another interesting record of the hundred, the first, indeed, to give any details. The following is the statement:—²

Henry de Lee, bailiff, renders his account of arrears upon the last account, 3s. 6d. ; of foreign rent of the wapentake for the said time [29th Sept., 1256 to 15th April, 1257], 48s. 11 $\frac{3}{4}$ d. ; of relief and fines of land, 9s. 4d. ; of perquisites of courts, 45s. 6d.

Sum total, with arrears, 107s. 3 $\frac{3}{4}$ d.

Of the assized rent of the borough of Chorley for the terms of St. Martin, the Nativity of our Lord and the Annunciation, 48s. 5d. ; farm of the mill for the terms of the Nativity and Annunciation, 6s. 8d. ; perquisites of the vill, 2s. 8d. ; the winter agistment of the demesne, 5s. 6 $\frac{1}{2}$ d. ; perquisites of vert and escapes, 7s. 1d.

Sum, 70s. 4 $\frac{1}{2}$ d.

In acquittance towards Sir John de [la] Mare for the manor of Chorley, 10s.

Sum total of the manor, wood, and arrears, 8l. 4s. 8 $\frac{1}{4}$ d.

The same renders account of the wages of the forester, 3s. 4d. ; and money delivered to Walter de Albin, 8l. 4s. 4 $\frac{1}{4}$ d.

Sum total of deliveries, 8l. 7s. 8 $\frac{1}{4}$ d., and he is quit.

This tells us that Chorley had been created a borough. Though in this way alienated to some extent from the lordship of Croston, a rent was still due to the lord of that fee.

Robert de Ferrers became of age, as stated, in 1262. The next year he sued many people in the hundred of West Derby for offences against his deer in his forest. He was an active participant in the rebellion of the Barons against the King, so zealous an anti-royalist that Simon de Montfort was forced to sacrifice him to Henry's hostility.³ He submitted in 1265, and was pardoned ; but the very next year he rebelled again and was involved in the defeat at Chesterfield. His lands were seized by the King, and he was deprived of his inherit-

¹ *V.C.H. Lancs.*, III, 4. See p. 64 below.

² *Lancs. Inquests*, I, 207.

³ *V.C.H. Lancs.*, II, 194 ; *Dict. Nat. Biog.*, XVIII, 387. Another opinion of Montfort's action is in *Eng. Hist. Rev.*, X, 31.

ance. All that he possessed was granted to the King's second son, Edmund, who was afterwards created Earl of Lancaster.

Before Robert de Ferrers lost his lands in this way he had made a grant of part of the family estates, including the manor of Bolton, and also all his possessions in the hundred of Leyland, to his younger brother, William, commonly known as William de Ferrers of Groby. This third William de Ferrers mentioned in our discussion was involved, like his brother Robert, in the rebellion of the barons, but he was pardoned on 11th July, 1266. He married twice, and he died before 20th December, 1287.¹

At this point the discussion becomes unavoidably more controversial; and it is with genuine regret that we have to dispute the conclusions of former workers in the same field. We owe a great debt to the Victoria History of the County of Lancaster. It is hardly surprising, however, that some errors should be found in so monumental a work. The treatment of the "lordship of Leylandshire" is a case in point. As the confusion about this matter is most marked in the account given of the parish of Standish, our discussion will be somewhat closely concerned with various tenures of land in the townships of that parish. First, let us briefly indicate several sources of the confusion that has arisen.

The cardinal error of the County History in this matter is the omission to notice the fact that the wapentake of Leyland was among the possessions granted by Robert de Ferrers, before his forfeiture in 1266, to his brother William, and that therefore the hundred remained in the hands of the Ferrers of Groby family and their assigns.

Secondly, the Inquest of Service, 1212, speaks of a certain Thurstan Banastre who held two carucates in Standish and Langtree. The County History mistakenly concludes that his rights were ceded to the Marsey family before the sale of lands by Ranulf de Marsey to Ranulf, Earl of Chester, mentioned above, and so became merged in the Marsey estate inherited by the Ferrers family.

Thirdly, arising out of these two errors is the misconception of the County History that these Banastre and Marsey rights so merged represented the whole of the holding of the Ferrers family in the parish of Standish. The History considers this holding of Ferrers, therefore, as only a mesne between the barony of Penwortham and the immediate tenants. We regard it, on the contrary, as independent of the Banastre and Marsey rights; and as by no means a mesne of this kind but as the lordship of the wapentake.

Fourthly, it follows that the assumption of the County History as to the title "lords of Leylandshire" is erroneous. This description of William de Ferrers (III) and his representatives in the records the

¹ For the Ferrers family, see *V.C.H. Lancs.*, II, 194-195; III, 4; *G.E.C. Complete Peerage*, V, 596, 616.

History takes to be a mere courtesy title resting upon his grandfather's purchase of the hereditary office of chief bailiff of the hundred of Leyland. We believe, on the other hand, that it implies a real lordship, and derives from the grant by Henry III to Earl Ranulf described above.

The exact nature of the Banastre and Marsey tenures may be reserved for later discussion. Our contention is that neither the Marsey nor the Banastre fee, nor both together, with the chief bailiwick or serjeanty in addition, can cover all that the Ferrers family possessed in the parish of Standish and in the hundred. Because, as we hope to prove, they held the wapentake itself.

Let us now consider one or two extracts from the County History to show that its attitude towards these tenures, and especially its tendency to neglect the lordship of the hundred, or to confuse it with the office of serjeant of the hundred, has not been misrepresented.

Referring to a statement in the survey of 1212 that Thurstan Banastre holds two carucates in Standish and Langtree, the History says, "The Banastre lordship, which appears to be that held later by William de Ferrers, Earl of Derby, and then by the later 'lords of Leylandshire' was a mesne between the lord of Penwortham and the immediate tenants."¹

Again, speaking of a writ brought by local tenants against William de Ferrers, Earl of Derby, in 1246, that he should acquit them of the services demanded for Standish, etc., by the guardians of the lands of John, formerly Earl of Lincoln, the County History says, "It seems clear from this that Ferrers occupied the place of Banastre in 1212."²

Here the grant from Henry III of the wapentake of Leyland, with the services of free tenants in this and other hundreds,³ to Ranulf, Earl of Chester (which William de Ferrers inherited from his brother-in-law as indicated above) seems quite ignored. William de Ferrers was lord of the hundred, and not a mere mesne between the baron of Penwortham and the immediate tenant.

The tenure of the Ferrers fee in the hundred of Leyland shows clearly that it was not a mesne between the immediate tenants and Penwortham barony. When it is recorded of whom the lord of Leylandshire holds, i.e. when the superior tenure is given, it is not of Penwortham. William de Ferrers, in 1288, held the Liberty of the Wapentake of Leyland of Sir Edmund the King's brother as parcel (*ratione*) of the lands of the Earl of Ferrers, by what service was unknown.⁴ Again, Margaret Banastre, who stood in William de Ferrers' place in 1324, as the descent of the lordship will describe, was lord or lady of Leylandshire, holding of the King in chief (the fee of West Derby and the honour of Lancaster being then in the hands of Edward II

¹ *V.C.H. Lancs.*, VI, 193.

³ For details see *Lancs. Inquests*, I, 135.

² *Ibid.*, n. 8.

⁴ *Ibid.*, I, 269.

for reasons stated below). Welch Whittle was held of her ; she held of the King ; and the jurors rule out the coercive claim of Penwortham to suit of court.¹ Four years later, land in Langtree is said to be held of her by a rent ; she holds of Henry, Earl of Lancaster, by the render of a rose ; Henry is mesne between the King and Margaret.² In this case Margaret, as lady of Leylandshire, released the land that was changing hands.³ In doing this, she was evidently acting as capital lord of the fee whose licence was required as well as the King's licence by the Statute of Mortmain, since the land was for the endowment of a new Chantry.⁴ Another inquest found that land in Eccleston was held of her, in 1325, as parcel of the manor of Bolton and wapentake of Eccleston (*sic* for Leyland). She held of the King, as of the manor of West Derby (which was in the hands of the Crown by the forfeiture of Robert de Holland, and Thomas, Earl of Lancaster)⁵ by the service of a sor sparrowhawk. Thus, the hundred, etc., were still regarded as parcel of the fee " of the earl of Ferrers " (as in 1288) ; because they had been granted by Robert de Ferrers, lord of West Derby, etc., to his brother.⁶ It is evident, then, that however the superior tenure of the wapentake is stated, its lord is never said to hold of Penwortham barony. The equation of the later lordship of Leylandshire with a mesne inferior to Penwortham barony is based on misconception.

The County History implies that the forfeiture of Robert de Ferrers in 1266 included the confiscation of the wapentake of Leyland. It says, " The lordship of the hundred descended in the same way as that of West Derby to the Dukes of Lancaster and the Crown." ⁷ After mentioning the purchase of the serjeanty or bailiwick, and the descent of this to William de Ferrers of Groby, it continues, " the bailiwick became divided between several tenants who were known as the " lords of Leylandshire." ⁸ The contention of the County History evidently is, as described above, that William de Ferrers of Groby, who died 1287, did not possess the lordship of the wapentake, but only the serjeanty or bailiwick, the office of bailiff of the hundred, and that his representatives were by courtesy called " lords of Leylandshire " only because of this office.⁹

Now it is admitted in the County History that some part of Robert de Ferrers' estate, before his forfeiture in 1266, had been granted to his younger brother, William, and that William's own lands, although they were at first taken into the King's hands, were ultimately returned to him.¹⁰ What is not appreciated in the History is that the wapentake of Leyland was part of William's estate by gift of his brother ; and

¹ *Lancs. Inquests*, II, 167.

² *Ibid.*, 226.

³ Kuerden MSS., Chet. College, Fol. Vol., f. 13, no. 74.

⁴ See *Calendar of Standish Deeds* (Porteus), Nos. 37, 38.

⁵ *Ibid.*, III, 22. See pp. 93, 94.

⁶ *V.C.H. Lancs.*, III, 3 ; V, 246, n. 39.

⁷ *Ibid.*, VI, 1.

⁸ *Ibid.*, 2.

⁹ *Ibid.*, VI, 199, 204, 213, 217.

¹⁰ *Ibid.*, V, 245, n.

that it was retained and handed down to his heirs. No full copy of the deed of gift or sale is known to exist, but some particulars are extant. The concession included "all I have in the wapentake of Leyland," or so William's descendants claimed.¹ Robert de Ferrers presumably had from his father not only the hereditary office of bailiff but the wapentake itself as well; and thus both possessions would pass to his brother William.

It may be said that Robert de Ferrers, in making this grant, created a mesne hundred, which was not of great importance. It is true that he created a mesne; but not a mesne between Penwortham barony and the immediate tenants, rather a mesne subordinate to the fee of West Derby. After this grant the hundred of Leyland itself is generally stated to be held of the honour of West Derby, that is the original fee of Robert de Ferrers. The knights' fees in the hundred, moreover, which were stated to be held of William, Earl of Ferrers, in 1242 (as we have seen), are not expressly stated afterwards to be held of his grandson or the latter's descendants. But, with these modifications, the hundred in the hands of William de Ferrers (III) and his representatives is regarded in the records as the practical or working hundred, and the lordship of the wapentake as a real, not merely a titular, lordship. The hundred of Blackburn was in the hands of the Lacy family, and just as truly the hundred of Leyland was the possession of William de Ferrers of Groby and his descendants; though, of course, a smaller fee and lacking the dignity that accrued to Blackburnshire through its association with Clitheroe and Pontefract.

Moreover, the creation of a mesne did not diminish much, if at all, the importance of the lordship of Leylandshire. The younger Ferrers received Bolton in a similar way. If he was really lord of Bolton, as the Country History admits, then he was lord of Leylandshire just as fully and truly.

The view here put forward that the lordship of the hundred was actually in the possession of William de Ferrers of Groby, who died in 1287, is substantiated by a careful examination of the inquisition taken after his death.² In this there are two things to be considered, the general statement concerning his lordship of the hundred of Leyland, and the detailed list of his tenants in the wapentake.

First, it is roundly stated that he held of Sir Edmund, the King's brother, the Liberty of the Wapentake of Leyland, as parcel (ratione) of the lands of the Earl of Ferrers, by what service they know not.³ This seems to us to put the matter beyond all doubt.

A friendly critic and correspondent,⁴ however, takes the statement

¹ *G.E.C. Complete Peerage*, V, 632, n.

² *Lancs. Inquests*, I, 268-272.

³ *Ibid.*, 269.

⁴ Mr. J. Brownbill, M.A., co-editor of the *V.C.H. Lancs.* His lamented death took place while these pages were being printed. Having read them in proof he wrote, "I daresay we made a confusion between the lordship and the bailiwick. Your essay should help to clear matters up."

to mean that Edmund was lord of the hundred and William de Ferrers lord of the liberty of the hundred, supposing the liberty of the hundred to be a phrase equivalent to mesne hundred. In answer to this, we do not deny that Edmund held the original fee of William, Earl of Ferrers the first (with something subtracted) and much more, namely the honour and Earldom of Lancaster. He held the fee of Robert, Earl of Ferrers, as it was after he had made the grant to his brother of "all that I have in the wapentake of Leylandshire." If Edmund had the lordship of Leyland, we should have expected it to be specified in the inquisition after his death, but this is not the case.¹ When the bailiwick of Leylandshire is mentioned among the possessions of the Earl of Lancaster, as in 1331, 1332, and 1348, it is his estates therein that are intended, or Crown rights conveyed to the Earl.² The services of the hundred tenants, the perquisites of the wapentake etc., did not belong to the Earl, but to the lord of the hundred.

Nor can we allow that the "Liberty of the Wapentake of Leyland," describing the fee of William de Ferrers in 1288, is a phrase that denotes anything less than the hundred itself. We depend here on Maitland's words, "We are accustomed to define a franchise as a portion of royal power in the hands of a subject."³ "Franchises and regalities (*libertates, regalia*), which at least according to the opinion of the King's lawyers, can only exist in the hands of a subject by virtue of a grant from the crown."⁴ Franchises implied some jurisdictional power, which might be lost by non-user. They were inalienable.⁵ We may suppose that Robert de Ferrers had the King's licence to grant the wapentake of Leyland to his brother. At any rate, it was among the possessions restored by the King to the younger William de Ferrers after the temporary confiscation of his estates. So that he held it with the King's good-will, if not by his express grant; the primary grant of the franchise being that of Henry III to Earl Ranulf in 1229.

Our contention is then that the general statement in the inquisition after the death of William de Ferrers, a statement twice repeated,⁶ that he had the Liberty of the Wapentake of Leyland⁷ supports the view that he held the hundred, and therefore the lordship of the hundred.

This view is fortified also by the detailed recital of the services due to him from tenants in the hundred. These same payments we

¹ *Lancs. Inquests*, I, 284-301. See p. 300. Leyland hundred is surely not omitted because of the smallness of the rents (very small rents are included in the actual return); but because, like Blackburn hundred, it was in other hands.

² *Ibid.*, II, 237; III, 183. See p. 80.

³ Pollock and Maitland, *Hist. Eng. Law*, I, 384.

⁴ *Ibid.*, II, 571.

⁵ *Ibid.*, I, 334-336.

⁶ See *Lancs. Inquests*, I, 269, 272.

⁷ The phrase "office of the bailiff of the liberties of the wapentake or hundred of Blackburn" is used in a Crown grant of 1606. Harland, *Charters of Clitheroe*, 39.

hope to identify with forensic or "hundred rents" due to the later lords of Leylandshire when the lordship was divided. It will be useful to give the list in full, before enquiring whether these rents were regarded by the jurors as payable to a mesne "between the lord of Penwortham and the immediate tenants,"¹ or to the chief lord of the fee of Leylandshire as we maintain.

The following services were due to William de Ferrers (III) according to the inquisition of 1288:—

	s.	d.
Part of the vill of Great Hoole was held of him by Master Adam de Walton * by yearly service of	2	0
Adam Banastre * held of him the vill of Shevington by homage and	8	0
Jordan de Standish held Standish and the advowson of Standish Church by homage and	5	8
Henry de Langtree rendered for the vill of Langtree homage and	5	8
Hugh de Adlington for a moiety of Adlington rendered homage, owing suit to the Wapentake of Leyland, together with $\frac{1}{2}$ lb. of cummin worth 1 $\frac{1}{2}$ d. and	2	9
Adam de Duxbury for the other moiety of Adlington homage and	2	9
The said Adam for one-third of the vill of Duxbury homage and	1	2
Roger de Bolton for one-third of the vill of Duxbury homage and	1	2
Elias de Tonge for one-third of the vill of Duxbury homage and	1	2
Thomas Banastre for one-third of Heath Charnock homage and	1	9
William, son of Hugh Gogard for two-thirds of Charnock homage and	3	9
Henry de Lea for a moiety of Charnock Richard homage and	5	0
Henry de Charnock for a moiety of Charnock Richard homage and	2	0
Robert de Sankey * for the vill of Welch Whittle homage and	7	8
William de Thorpe for the hamlet of Thorpe homage and	10	0
And he owes suit to the wapentake of Eccleston (<i>sic</i>). Ameria de Bispham * for Bispham homage and	3	4
John Banastre * for two bovates in Mawdesley homage and	3	4
John de Clayton for ward of castle	1	0
The vill of Bretherton for the same	2	3 $\frac{1}{2}$
[Total £3 10s. 5 $\frac{1}{2}$ d.]		

These services were due at various terms of the year named in the inquisition, chiefly at St. Martin, and those tenants marked with an asterisk above had also to find puture for the serjeants. A note after Welch Whittle, however, seems to imply that all the tenants find puture.

How are these services to be interpreted? If the holding of Ferrers was a mesne between the lord of Penwortham and the immediate tenant, as implied by the editors of the County History in the passages just quoted, then the declaration of the jurors in 1288, when they say, for instance, that Jordan de Standish holds Standish with the advowson of the Church there by homage and 5s. 8d. yearly is an ellipsis. It means that Jordan holds of Ferrers, who holds in turn of the baron of Penwortham. It is freely admitted that such compressed statements are sometimes found in inquisitions. But in this case the explanation is much simpler, that these services were due to Ferrers as lord of the hundred. The lordship of the hundred granted by the King in 1229 to Ranulf, Earl of Chester, from whom William de Ferrer's grandfather inherited, included all the services of those holding by thanage and fee farm in the hundred;¹ and these were commonly grouped together as rents due to the hundred or the lord of the hundred.

The contention that these services scheduled in the inquest of 1288 were regarded by the jurors as rents payable to the lord of the hundred, and not services to a mesne lord holding under Penwortham, is supported by the place they occupy in the inquisition itself. The outline of the escheator's return is, first a statement as to the tenure of a manor, then the details of the income from that manor. This is so in regard to Bolton,² and in regard to Chorley.³ We naturally expect the same procedure in regard to the wapentake. The tenure of the wapentake is described—and it has been already remarked that the terms of description signify much more than a mere titular lordship of Leylandshire—"William de Ferrers held nothing in chief of the King in the bailiwick of the said Thomas de Normanvill [escheator beyond Trent], but he held of Sir Edmund, the King's brother, the Liberty of the Wapentake of Leyland, as parcel (*ratione*) of the lands of the Earl of Ferrers, by what service they know not."⁴ Then follow the rents of Hoole, etc. The inference is that we are getting the details of the wapentake. And not merely because the places named lie in Leylandshire, but because these services and profits are parcels of the Liberty mentioned.

In the summary at the close of the inquest the Liberty of the Wapentake is extended at £11 17s.⁵ In this extent evidently the "hundred rents" under discussion, £3 10s. 5½d. in all, and the Chorley

¹ *Lancs. Inquests*, I, 146, n.

³ *Ibid.*, 271.

⁴ *Ibid.*, 269.

² *Ibid.*, I, 268.

⁵ *Ibid.*, 272.

rents, £7 4s., and the profits of the two courts, the wapentake, £2, and Chorley, 2s., are counted together, totalling £12 16s. 5½d. The service payable for Chorley manor to the lords of Croston, £1, is deducted,¹ leaving an income of £11 16s. 5½d.² This practically agrees with the summary. The profits of the hundred, plus the profits from Chorley borough, make up the total receipts of the Liberty of the Wapentake.

The issues from Chorley are included, not only because it lies in the hundred, but because of its close connection in the way of tenure with the bailiwick of the wapentake, as described later in the account of the serjeanty. But the services from Hoole, Shevington, etc., are included in the extent of the Liberty of the Wapentake because they form part of its profits. If the right enjoyed by Ferrers in these places was subordinate to Penwortham, we should have expected the superior lord to be named, as in the case of Bolton, the Wapentake, and Chorley, in the same inquest.

The formula would have been—The tenant holds of the said William de Ferrers the vill of *x* by the service of *y*, and William holds of the barony or fee of *z* by the service of *n*. On the hypothesis of the County History that Ferrers held a mesne lordship only in these places, such as Hoole, Shevington, etc., the inquest is very imperfect, since the jurors do not state by what tenure Ferrers held Great Hoole, etc., of the supposed superior lord, the baron of Penwortham, nor do they mention Penwortham barony.

We have now examined the general statements in the inquisition of 1288, after the death of William de Ferrers, that he held the Liberty of the Wapentake of Leyland, and also the list of services due to him in the hundred. We trust that it is now clear from both these lines of evidence that the fee of his grandfather, William de Ferrers, Earl of Derby, in various townships of the parish of Standish in 1246 was not a mere mesne, as stated in the County History, between the lord of Penwortham and the immediate tenants,³ but the lordship of the hundred. Further, we hope that our contention is established that this lordship did not descend "in the same way as that of West Derby to the Dukes of Lancaster and the Crown";⁴ but remained in the hands of the younger William de Ferrers, who died in 1287, and of his representatives. Their lordship of Leyland, therefore, was not merely titular,⁵ but based on the fact that the wapentake itself was in their hands. They held the hundred court. They received the hundred rents. They were locally regarded as the chief lords of the fee.

¹ See p. 15.

² The 7½d. difference between this and £11 17s. is perhaps commutation for the ½ lb. of cummin payable by Adlington; the value may be 7½d. instead of 1½d. as transcribed.

³ *V.C.H. Lancs.*, VI, 193.

⁴ *Ibid.*, I.

⁵ *Ibid.*, 2.

III. THE HISTORY OF THE HUNDRED RENTS.

(a) *The Rents before 1288.*

In the account just given of the inquisition after the death of William de Ferrers of Groby, the conclusion was reached that the services in money from Hoole and other villas were due to him as lord of the hundred, not to a mesne lord holding under Penwortham, as the County History seems to allege.

We now put forward the suggestion that these services were the residue of the farm of the hundred of Leyland payable to the King when the fee was in his hands. There can be no mathematical proof of this assertion; but many successive references to such rents give it support. The Domesday Survey, as mentioned above, states that in 1066 there were twelve free men in the hundred holding twelve berewicks for as many manors. Apart from Penwortham, the hundred and Leyland manor together paid £19 18s. 2d. in rent to the King. The value in 1086 had fallen to 50s.; we have suggested reasons for this change.¹

In West Derby (and the customs of Leyland hundred are stated to be generally the same as those of the other hundreds), the thanes had by custom to render two ores of pence, i.e. 32d. for each carucate of land; and Dr. W. Farrer suggests that lands were farmed at the normal rate of 32d. with the addition of a similar amount for carucate geld.²

His theory is supported by the case of Standish and of Langtree, each rated at one carucate (in 1212), where, as we have just seen, the lords of these villas each paid 5s. 8d. to the lord of the hundred in 1288. The few extra pence may have been for assarts, or a composition in lieu of puture, provision for the bailiffs.

The rent from the hundred, only 50s. in 1086, probably regained some part of its ancient value; since in spite of the formation of baronies and alienation of land to other fees, it was still £3 10s. in 1288.

Let us now set out to trace the history of these payments to the lord of the hundred, so far as the records permit, after the period of the Domesday Survey. With the exception of one vill, the *Pipe Rolls*

¹ P. 9.

² *V.C.H. Lancs.*, I, 276, 277, 285, 287. Miss Demarest contends that the total values are carucate geld only, originally the King's ferm payable in food. Her views are criticised by C. Stephenson. See *Eng. Hist. Review*, Vols. XXXVIII, XXXIX.

are strangely silent concerning the hundred of Leyland. Perhaps it was frequently in private hands, and so made no contribution to the revenue of the honour of Lancaster. The one exception is Thorpe the place of that name adjacent to, or included in, Bretherton, in the ancient parish of Croston. Thorpe bears a Scandinavian name, and the comparatively large rent paid for it, and taxes levied on it, induce us to regard it as anciently a place of some importance, perhaps a town or trading centre in early days. "The first shall be last" is nevertheless true of Thorpe. The one place in the hundred to appear at all in several ancient surveys dwindled in time to such small significance that its very site was for long forgotten. The discovery of an old rental, which will be mentioned later, helps us to identify the site of Thorpe, with a farm called the Over Hall in Bretherton.¹ Thorpe, now a part of Bretherton, was formerly considered a separate vill. Before referring to the contributions made for Thorpe, it is necessary to remember that the annual farm of the *Comitatus*, or the net revenue, was given in its total sum only, i.e. £200 during the reigns of Henry II, Richard I, and John. The many items making up this constant figure were not detailed in the accounts.² The hundreds are only mentioned for some special reason, as when Amounderness was forfeited and restored in the time of King John, or Salford granted temporarily by the same sovereign to Owen ap David.³ Even then no particulars, or very few, are given. Individual places are named principally when they are granted to somebody by the Crown, or when they contribute to an aid or a scutage. It is for the last-mentioned reason that Thorpe appears in these early records. This place contributed to an aid in 1177-78.⁴ By its lord, Roger de Freckleton, Thorpe paid to the scutage of 1201-02,⁵ and by its tenant, Gamel de Thorpe, contributed to the next year's scutage, the same sum, half a mark.⁶ No other place occurring in the rental of William de Ferrers (1288) is singled out in these early comital accounts. The explanation is probably due to the greater value of Thorpe. Tenancies contributing small sums were grouped together, as in the *Pipe Roll* for 1176-77, "seventy-two marks and a half aid from thanes and drengs."⁷ Or they paid for respite from tallage;⁸ some perhaps did not contribute at all.

The Great Inquest of Service (1212) is similarly silent as to the rents afterwards paid to William de Ferrers. There is a fairly full account of the Penwortham fee at this time, and we will refer to this in discussing the barony and its relation to the wapentake. We

¹ See p. 35 below.

² Farrer, *Lancs. Pipe Rolls*, 260.

³ *Ibid.*, 212, 264, 265.

⁴ *Ibid.*, 35, 37. There is no evidence that it was an escheat from Penwortham as stated.

⁵ *Ibid.*, 152, 158.

⁶ *Ibid.*, 179, 184.

⁷ *Ibid.*, 35.

⁸ *Lancs. Inquests*, I, 135.

cannot connect the statement in this survey of 1212 as to Standish and Langtree with the tenure of these villis in 1288. The statement is that two carucates in these places were given by Richard Bussel, baron of Penwortham, to Richard Spileman in marriage with Bussel's sister. Thurstan Banastre is said to hold this land in 1212 by the service of one sor hawk annually.¹ To whom the service is rendered is not stated. Dr. Farrer suggests that a grant of five carucates by Warine Bussel to Ranulf, son of Roger, mentioned in this survey of 1212, relates to several other townships in Standish parish.² This seems to us uncertain, as the location of the land is not named in the survey. Once again Thorpe, as in the case of the early *Pipe Rolls*, is the one item belonging to the Ferrers fee (at a later date), which is most prominent. The survey mentions this in connection with Penwortham (? because of its locality); but it is evidently no part of that fee. The record says, "Richard, son of Roger de Freckleton, holds one carucate of land in Thorpe of the King in chief, and renders, therefore, 10s."³ Compare this with the statement in the inquisition after the death of William de Ferrers in 1288, that Thorpe was held of him by William de Thorpe by homage and 10s. yearly.⁴ It is evident then that the lords of Leylandshire were afterwards in place of the Crown so far as the service from Thorpe is concerned.

But, it may be said, Thorpe stands alone, and there is no mention of chief rents due to the Crown from Shevington, Charnock Richard, Welch Whittle, Mawdesley, Hoole, etc., in 1212. It must be replied that the return is summary, and there are notable omissions. There is a very scanty account, for instance, of the Marsey fee; Great Bolton, Mellor, Darwen, Eccleshill, Haigh, Harleton, Scarisbrick, are left out. In addition, the tenure of the fee of Newton-in-Makerfield by the Banastres is not recognized, perhaps because the lands were in the King's hands, while Wigan, Poulton, and Woolston, members of that fee, are not mentioned.⁵ Therefore the argument that the services due to Ferrers in 1288 were not fee farm or thanage rents due to the lord of the hundred because they were not mentioned as such in the survey of 1212 is not an argument that can be pressed.

The omission of rents from thanelands is more difficult to understand in the farm of the County in 1226-27; for, unlike the account in the early *Pipe Rolls* referred to above, this contains many details. Particulars of assized rents, thanage services, and sake fee, are grouped under the heading of West Derby, Salford, Amounderness, and Lonsdale wapentakes respectively.⁶ But on closer observation this account also is seen to be incomplete. Blackburn hundred is, of course, left out, because it was in private hands. Thanage rents from places in

¹ *Lancs. Inquests*, I, 31.

² *Ibid.*, I, 34.

³ *Ibid.*, 72, 78.

⁴ *Ibid.*, I, 29. See pp. 41, 42.

⁵ *Ibid.*, I, 270.

⁶ *Ibid.*, I, 135-141.

the Marsey fee, Harleton and Scarisbrick, are again omitted. Only 10s. sake fee from the Marsey lands is included. The sake fees from the Penwortham and Clitheroe baronies do not appear. There is no heading representative of Leyland hundred; but after the accounts for Lonsdale, we come again upon Thorpe under the guise of "the assized rent of one carucate of land in Leylandshire which Richard de Thorpe holds . . . 10s." The singling out of Thorpe must be explained, as before, by reason of its value. But we should have expected small rents to be found grouped together under the title of Leyland hundred, if not given in detail; especially when other items as small as 1s., and even 6d., appear in the account. Perhaps the hundred, apart from Thorpe, was in private hands; although soon afterwards it was in the hands of the King, and granted by him, as stated, with other lands to the Earl of Chester. At any rate, the *compotus* is incomplete as already indicated; and it should be noted that perquisites of the courts, writs, etc., and other issues at a later period accounted for by the bailiff¹ are also absent from this farm of the County in 1226-27.²

The next stage in the history of the rents is the grant of three wapentakes, etc., to Earl Ranulf in 1229, and this included the assized rent of the demesne with the service of the tenants holding a thanage and at fee farm, but no particulars are given.³

Continuing our attempt to trace the rents due to the lord of Leyland hundred, we pass to the account rendered in 1257 by the bailiffs of Sir Edward, the King's brother, who was temporary guardian of the lands of Robert de Ferrers, Earl of Derby. This statement, so far as it applies to Leyland hundred, has already been quoted above.⁴ In Leylandshire the bailiffs report that the foreign rent of the wapentake for the said time is £2 8s. 11 $\frac{3}{4}$ d. The "said time" was from Michaelmas to Easter (29th September, 1256, to 15th April, 1257). This should include three terms, Michaelmas, Christmas, and the Annunciation; but in the account of the rents of the wapentake of Salford only two terms are included, the two last-named.⁵ The rent for St. John Baptist's Day, the summer term, at least, is not included;

¹ *Lancs. Inquests*, III, 183.

² The rent due to the lord of the hundred from Duxbury appears to be mentioned in another document in 1227. In this year Roger de Bolton and Ellis de Tonge granted one plough-land in Duxbury to Seward de Duxbury at a rent of 6s. 4d. Roger was to pay 3s. 4d. due to the chief lords. It is true that an ancient rent of 3s. was claimed in 1311 from Adlington and Duxbury by Penwortham; but the chief lords were probably those of the hundred. The hundred rent from Duxbury in 1288 was 3s. 6d. If escheats relief or wardship arose from the land, Roger and Ellis were to share these profits. They appear to grant by this fine their two-thirds of Duxbury to Seward, who no doubt already held one-third, the other half plough-land. Duxbury was rated at 1 $\frac{1}{2}$ carucates. *Lancs. Fines*, I, 52. See p. 50 below.

⁴ P. 15.

³ *Ibid.*, I, 112.

⁵ *Lancs. Inquests*, I, 205-207.

and just possibly the rent for one other term is missing. It is not surprising, then, that the total render, as stated, falls below the hundred rents of William de Ferrers in 1288, which for the whole year came, as we have seen, to £3 10s. 5½d. The inquisition of 1288 gives the terms at which the services are payable.¹ Let us add to the foreign rent of the wapentake in 1257, the rents due for the summer term, namely: Great Hoole, 2s.; a quarter of the rent for Thorpe, 2s. 6d.; similarly for Bispham, 10d.; and for Mawdesley, 10d.; Clayton-le-Woods, 1s.; Bretherton, 2s. 3½d. The total is 9s. 5½d. Adding this to the figure given by the bailiffs, we have £2 18s. 5¼d. Allowing for arrears (and the bailiffs mention arrears in some cases) we now have a sum sufficiently near the total of the rents of William de Ferrers of Groby to establish the identity of the two sources of income. The services from Great Hoole and the other villis in 1288 were evidently the foreign rent of the wapentake of Leyland in 1257. This description of foreign rent probably means the ancient and inalienable rent incumbent on those individual villis or manors in the hundred. It was due from those manors into whosoever hands they might pass, to be held by whatever additional type of intrinsic service.²

We have identified the services due to Ferrers in 1288 with the foreign rent of the wapentake of Leyland in 1257. It is possible by another method to prove that the type of tenure denoted here by the foreign rent of a hundred is equivalent to the thanage or farm rents of tenants-in-chief in 1212.

It is difficult to do this in the case of Leylandshire, though lack of details in the records. But it is noteworthy that in the same bailiff's account for 1257, the other two hundreds dealt with, viz., Salford and West Derby, have a similar source of income and type of tenure. Under Salfordshire occurs the item:—

Of the foreign rent of the wapentake of Salford for the said two terms (Nativity and Annunciation) £11 16s. 6d.³

Another entry under West Derbyshire is:—

Foreign rent of the wapentake for the terms of St. Martin, the Nativity of our Lord, and the Annunciation, £6 13s. 6d.⁴

Let us take this last-mentioned wapentake, and examine the foreign rent. There is a presumption that what we find it to be in West Derby hundred will apply in essential aspects to the hundred of Leyland. We are fortunately placed concerning West Derby hundred, for another and fuller compotus is available for 1207, the year when Edmund, Earl of Lancaster died, in the inquisition taken concerning

¹ *Lancs. Inquests*, 269, 270.

² Pollock and Maitland explain forensic service as foreign to a bargain; it is the service incumbent on a tenement while in the lord's hand, as distinguished from intrinsic service which arises from the bargain made. *Hist. Eng. Law*, 2nd ed., I, 238, 239.

³ *Lancs. Inquests*, I, 205.

⁴ *Ibid.*, 206.

his estates.¹ The editor gives a summary of the extents, which forms a kind of index to the details ;² it will be observed that the " free tenants of the wapentake " are in every hundred kept distinct from the knights' fees. The income in 1297 from the free tenants of the wapentake of West Derby is £9 17s. 7d.³ This is evidently the equivalent of the " foreign rent " of the same hundred in 1257, which was £6 13s. 6d. for three terms only.⁴

Referring to the detailed account of the " free tenants " in the body of the return for 1297, we find that they are the tenants in thanage and fee farm, who are clearly described as such in the Great Inquest of Service in 1212. A few examples will make this quite clear :—

1297. Nicholas Blundel holds in Great Crosby the eighth part of the vill from ancient time (*de antiquo conquesto*) and renders 10s. at the four terms.⁵

1212. Simon de Crosby holds half a carucate of the King in Crosby for ten shillings yearly.⁶

1297. Adam de Garston holds of Sir Edmund by the yearly service 20s.⁷

1212. The heir of Adam de Garston holds four carucates of the King for 20s. in thanage.⁸

1297. Robert de Lathom holds Lathom rendering 20s. and two suits.

1212. Richard, son of Robert, holds of ancient time three carucates of land of the King by twenty shillings yearly in thanage.⁹

Bickerstaffe was held in thanage in 1212, paying 5s. ; the same service was rendered in 1297.¹⁰ In 1212 half a carucate was held of the King in Ditton for 10s. of farm, and another half-carucate in the same way. In 1297 Ditton was held by 20s. yearly.¹¹ The same continuity of service is seen in Bootle, Litherland, and other places in the hundred. It is beyond doubt that the free tenants of 1297 in the hundred of West Derby were the representatives of the thanage and fee farm tenants in 1212. But the service from them is described as the " foreign rent " of the wapentake in 1257. Therefore the foreign rent of the hundred of Leyland in this same year almost certainly represented the same type of tenant ; and there is a presumption, amounting practically to definite proof, that the services from Hoole, Shevington, Standish, etc., in 1288, were hundred rents, i.e. thanage and fee farm rents payable to the lord of the hundred.

Dr. Farrer notes the absence of any extent of Leyland hundred in

¹ *Lancs. Inquests*, 284-301.

² *Ibid.*, 299. The rents are given, but without names of all tenants in 1226.

Ibid., 136.

³ *Ibid.*, I, 288, 299 n.

⁴ *Ibid.*, 206.

⁵ *Ibid.*, 286-287.

⁶ *Ibid.*, 20.

⁷ *Ibid.*, 287.

⁸ *Ibid.*, 19.

⁹ *Ibid.*, 287, 16.

¹⁰ *Ibid.*, 287, 17.

¹¹ *Ibid.*, 19, 287.

1297, "where, however, the comital rents and perquisites were of trifling value."¹ It is overlooked that Leyland hundred was at this time in the hands of William de Ferrers (son of William de Ferrers, who died in 1287), or his mortgagees;² and not part of the estates of Edmund, Earl of Lancaster.

It is evident, from what has just been said, that certain rents, the same in 1297 as in 1212, were very conservative. In some cases an increment is known.³ In others, Melling, for instance, the rent at Domesday was paid without alteration for centuries.⁴ These thanage and fee farm rents were not only "in the wapentake of West Derby, etc.," as described in 1226,⁵ but "of the wapentake, etc."⁶ That is to say, the sum of the services belonged to the Crown, not only as sovereign, but as lord of the hundred. Between Ribble and Mersey the hundred was treated as a single superior manor with dependent berewicks. When the hundred was granted into private hands, the foreign rent appears to have gone with other perquisites to the new lord. We may conclude that the services due to Ferrers in 1288 were the residue of the farm of nearly £20 from Leyland hundred in 1066, which had decreased, perhaps temporarily, to 50s. for the hundred in 1086.⁷

(b) *The Rents after 1288.*

The continuity of the services due to William de Ferrers, lord of the hundred of Leyland, who died in 1287, has been illustrated by an endeavour to trace them back to 1212, or even to the Domesday Survey. We shall now seek to go forward from 1288, and to show that these rents preserved their identity for centuries with little variation.

In the inquisitions made after the death of a tenant of land the jurors often declare their ignorance of the tenure. They were not lawyers, and in face of conflicting claims or baffled by the ambiguities of double tenure they took refuge in the phrase, "A holds of B, but by what service we know not." In spite of this assumed or genuine ignorance, it is possible to follow the history of the hundred services.

Take the case of Standish as an example. Jordan de Standish held of William de Ferrers in 1288 the vill of Standish and the advowson of the Church by the service of 5s. 8d. and puture for the serjeants. Alexander de Standish held the same manor, in 1445, of William de Ferrers, knight, deceased, of Margaret, formerly wife of William de Harrington, knight, and of Robert de Shireburne. The services were

¹ *Lancs. Inquests.*, 300, n.

² Kuerden MSS., IV, C. 1; *V.C.H. Lancs.*, VI, 131.

³ *Lancs. Inquests*, I, 25.

⁴ *V.C.H. Lancs.*, I, 284; III, 265.

⁵ *Lancs. Inquests*, I, 135.

⁶ *Ibid.*, 205, 206, 207, 299; *V.C.H. Lancs.*, III, 93, n. 9, etc.

⁷ *V.C.H. Lancs.*, I, 287.

unknown.¹ These lords were, of course, the representatives of William de Ferrers, who died in 1287, and they were joint lords of the hundred of Leyland. Ralph Standish died in 1538, holding the manor of the Earl of Derby, of Lord Mounteagle, and of Richard Shireburne by the rent of 6s. 8d.² Later, it transpires, that 1s. of this was due for land in Shevington. The same rent is mentioned in inquisitions of the dates 1539, 1546, and 1610.³ Welch Whittle was stated in 1324 to be held of the lord of Leylandshire.⁴ An inquisition concerning disputed tenures, taken before Thomas Lathom, eschaetor, at Lancaster in 1451, found that Shevington was held of the lords of Leylandshire, and that Heath Charnock was held of them by the service of 1s. 9d. and 1d. for suit of court.⁵

Langtree was similarly held in 1527 by a rent of 5s. 8d. The Park Hall part of Charnock Richard in 1622 paid the ancient rent of 5s.⁶ For the most part the incidence of this foreign rent decides the jurors in returning the general verdict that Standish, Langtree, and the rest, are held of the lords of the wapentake. Duxbury puzzles the jurors; but this is the general verdict. The same decision applies also to the manor, or part of the manor, of Hoole—a vill tenanted in moieties by the Walton family;⁷ to Bispham also where the 40d. paid to Ferrers can be traced, and where the manor was held of the lords of Leylandshire by this rent in 1369 and 1521.⁸ In Mawdesley the two oxgangs over which William de Ferrers claimed lordship were a freehold which can be traced from William Banastre, 1555, to Gilbert Nelson, 1628, and Henry Finch, 1641; and this was held of the lords of Leylandshire.⁹ In Clayton-le-Woods is found that "double service" of which we shall presently speak. The manor there was stated to be held by military service, and the 12d. due to Ferrers said to be for castle guard. The Bank portion of Bretherton was also stated to be held by knight service. It was evidently the portion of Bretherton allied to Thorpe over which Ferrers had lordship. In course of time the 2s. 3½d. render for this portion became united with the 10s. for Thorpe itself, and was payable by the Balderston family, and their representatives, succeeding the Banastres of Thorpe. Thus Richard Balderston, in 1457, held the manor of Thorpe and lands in Croston and Farington, by a rent of 12s. of the lords of Leylandshire.¹⁰

¹ Town. MS., D.D. no. 1479.

² *Ibid.*, VIII, 23; VII, 17; XX, 7.

² Inq. p.m. D. Lanc. VIII, 21.

⁴ *Lancs. Inquests*, II, 167.

⁵ Deeds at Cuerden, bundle 315, no. 20. It is doubtful whether the composition was for suit at the wapentake or at Penwortham. The record says "the said court," and Penwortham Court has been mentioned in a former statement.

⁶ *V.C.H. Lancs.*, VI, 195, 198, 205.

⁷ *Ibid.*, 150, n. 9.

⁸ *Ibid.*, 101, and n.

⁹ *Ibid.*, 100, 106, 99, n. 2; 100.

¹⁰ *Lancs. Inq. P.M.* (Chet. Soc.), II, 63.

We pass now from these brief notices of hundred rents in various inquisitions to a more compact and detailed list of them found in documents relating to the Shireburne family. A few years ago we discovered in a manuscript book copies of some old rentals belonging to the lords of Leyland hundred. These come very opportunely to assist us in deciding the exact nature of the services due to William de Ferrers, as detailed by the jurors in 1288, and to his successors.¹

One rental is indexed as "a transcript of an old writing by Sir Richard Shireburne, knight, of the Wapentake, Bailiwick, Leet, etc. "; and is further explained by the title, which runs: "By endeavours to find out the verity of the Rents of Leyland Hundred the sight of an ancient book was found out and transcribed as followeth—Leyland Hundred; Freeholders there and the Wapentake and the Bailiwick and fee with the Leet in co-parcenary to the Earl of Derby, the Lord Mounteagle, and Sir Richard Shireburne, knight, 1563, as followeth:

	£	s.	d.
John Wrightington for his lands on Welch Whittle due at St. Martin in Winter	0	7	10
Edward Standish, esq., for the manor of Standish and his lands in Shevington	0	7	8
John Langtree for his lands in Langtree	0	5	8
The heirs of Richard Bradshagh of Langtree for his lands in Shevington	0	0	6
John Aughton of Adlington for his lands in Adlington	0	2	9
Thomas Asshaw of Charnock Gogard for his lands in Charnock Gogard [Heath Charnock]	0	1	10½
Sir William Stanley, knight, Lord Mounteagle, for his lands called the Ridges in Charnock Gogard	0	1	10
Thomas Hoghton, esq., for his lands called the Park Hall in Charnock Richard	0	5	0
Thomas Charnock for his lands called Charnock Hall	0	2	1
The heirs of John Clayton for his lands in Clayton	0	1	0
Edward, Earl of Derby, for his manor of Bispham	0	3	4
The heirs of Thomas Bamford for his lands [in Mawdesley] ²	0	3	4
Robert Barton, esq., for his lands in Much Hoole	0	0	6
Sir Peter Legh for his lands in Much Hoole	0	0	6
Alexander Woodward for his lands in Shevington	0	1	0
Carry forward	£2	4	10½

¹ Contained in Thomas Hawkshead's Book, a MS. made in 1858, and presented by the late Mr. John Stanton to Chorley Public Library. It contains rentals of Sir Richard Shireburne, one of the lords of Chorley manor and of Leyland hundred, and copies of other documents.

² See *V.C.H. Lancs.*, VI, 98, n.

	£	s.	d.
<i>Brought forward</i>	2	4	10½
The heirs of Ralph Fairclough for his lands in Shevington	0	1	6
Nicholas Worthington for his lands in Shevington . .	0	2	0
William Stanley, knight, Lord Mounteagle, for his lands in Shevington called the Ridges, which time was [formerly were]			
John Harrington's, knight	0	2	0
The heirs of Richard Balderston for lands in Bretherton	0	11	0
The heirs of William Jackson for his lands [in Bretherton]	0	1	0
The heirs of Peter Anderton for Healey Park	2	13	4
Total ¹ of aforesaid fee rents	5	15	8½

Out of this total in the rental for 1563 there are two "rents resolute" or items of expenditure. One of them is, "To the Queen's Majesty for Healey, 53s. 4d."; i.e. the rent for Healey Park has been collected for the Crown, inasmuch as the lords of the hundred were also King's bailiffs. The other item, "To the Queen's Majesty's Auditor of her Duchy of Lancaster for a deputy mark, 13s. 4d.," also concerns the bailiwick rather than the lordship of the hundred, as will be shown in discussing the serjeanty. After these deductions the net total, £2 9s. 0½d., is divided between the lords of the hundred according to their respective shares, a half to the Earl of Derby, a quarter each to Lord Mounteagle and Sir Richard Shireburne. Particulars relating to the wapentake court follow, but do not concern us just now. What is of the greatest interest is the fact that this rental of 1563 is practically identical with the list of services rendered to William de Ferrers, as stated, in 1288. If they were hundred rents in 1563, they were hundred rents in 1288, and not services accruing from a mesne formerly held by Ferrers or Marsey in subordination to the Penwortham fee, as stated in the Victoria County History.

Before discussing in detail this rental for 1563, we will set side by side with it for comparison another for 1630.² It is described in the following way, the spelling being modernised: "The transcript of an old rental drawn fair over by the desire of Henry Baldwin, deceased, viz., A true and perfect rental of all the rents due and payable yearly to the lords of Leylandshire at the feast of St. Michael the Archangel; by purchase from William, Lord Mounteagle, and Henry, Earl of Derby,

¹ As the rent for Healey due to the Crown must be deducted from the total, it will be seen that the real total of the hundred rents was £3 2s. 4½d. The spelling is modernised in the extracts given here; and the figures changed from Roman to Arabic numerals.

² Hawkshead MS. Book, p. 47.

taken out of the Blackbook by Sir Richard Shireburne, knight, and made in the year of our Lord God 1630":—

	s.	d.
By William, Earl of Derby, for his lands in Bispham . . .	3	4
Sir Alexander Radcliffe, knight, for the capital messuage called the Hall o' th' Hill in Heath Charnock . . .	1	10
Sir Edward Wrightington, knight, for his lands in Welch Whittle	7	9
Ralph Standish, esq., for his manor of Standish	6	8
Thomas Langtree of Langtree, esq., for his lands in Langtree . . .	5	8
Hugh Adlington of Adlington, esq., for his lands in Adlington . . .	4	0
Richard Hoghton of Park Hall, esq., for his part of the manor of Charnock Richard	5	0
Robert Charnock, esq., for his part of the manor of Charnock Richard	2	1
For the Over Hall of Bretherton	11	0
William Worthington of Adlington for a parcel of land called the Clock Earth	2	9
James Anderton, esq., for his lands in Clayton	1	0

Here this record ends. We have omitted from it purposely various items relating to Healey, these will be mentioned in dealing with the serjeanty of the hundred.

The reference to the "purchase" in the title of this 1630 rental means that in 1574 Lord Mouteagle sold his share, one-fourth of the hundred, to Sir Richard Shireburne, so that this family now possessed one-half. The Earl of Derby, in 1597, had sold his half to the Rigbys of Burgh. The title above can hardly mean that the Shireburnes held this other moiety; but only implies that Henry Baldwin, who was a collector, received the dues both for the Shireburnes and for the Rigbys. The sale of the Mouteagle share had possibly involved the redemption of some rents. Except the 1s. (part of 6s. 8d.) from Standish for land in Shevington, the Shevington rents are missing, including the 2s. from Lord Mouteagle's own lands there, which appears in 1563. We can partly explain why his service of 1s. 10d. from Heath Charnock is not recorded. He must have arranged with the other lords to redeem it. For in 1574 he sold his manor in that township to Thomas Walmesley and Robert Charnock, expressly including all hundred and wapentake services belonging to him in that vill.¹

Other rents are omitted in 1630 because this is the Michaelmas rental, and they are payable at another term. This applies to Hoole, and also to Bretherton, which were by ancient custom, as we have seen, due at the feast of St. John Baptist. Some of the other places (e.g. Mawdesley) used to pay in quarterly portions, and perhaps by

¹ H. G. Moulton's Deeds, Richmond, Surrey.

this time they paid an annual sum at some term other than Michaelmas. The ancient rent for Thorpe used to be due at the four quarterly terms, but in 1630 it is assigned to Michaelmas, and appears as 11s. from the Over Hall at Bretherton, thus enabling us, as stated above, to locate the missing vill of Thorpe as near the farm still known as Over Hall. The 1630 list, which leaves out so much, adds an item not found in that for 1563, namely, Hugh Adlington of Adlington, for his lands there, 4s. It gives the other part of Adlington, for which John Aughton paid in 1563, as "William Worthington of Adlington for a parcel of land called the Clock Earth, 2s. 9d." This branch of the Worthington family in Adlington held the Crowshaw estate. It is perhaps worth recording that in the MSS. of Rev. R. Perryn, rector of Standish, at the end of the eighteenth century, Rigshaw Hall in Adlington is called the Clock House.

Let us now revert to the 1563 rental which is the more complete of the two, being apparently not limited to any one term or pay-day. Comparing the rental of 1563¹ with the list given in the inquest after the death of William de Ferrers in 1288,² it is easy to show that the services are practically identical.

With regard to Hoole, the rent of 2s. in 1288 has been divided; half has been lost, the other half is apportioned between Barton and Legh, who each pay 6d. in 1563.

To reconstruct the 8s. due in 1288 from Shevington, we must add together in 1563, 1s. from Edward Standish, 6d. from Richard Bradshagh, 1s. from Alexander Woodward, 1s. 6d. from the heirs of Fairclough, 2s. from Lord Mouteagle, 2s. from Nicholas Worthington. Total, 8s.

The amount for Standish, 7s. 8d., still remains, even after 1s. for land in Shevington is deducted, 1s. more in 1563 than in 1288. This sum, 7s. 8d., is clearly an error, as the Standish family inquisitions prove. The correct amount, 6s. 8d., is given in the rental of the hundred for 1630. This includes a shilling for land in Shevington.

In Langtree the service is the same in 1563 as in 1288, i.e. 5s. 8d.

The total service from Adlington in 1288 was 2s. 9d. and 2s. 9d., total 5s. 6d., and a half pound of cummin; in 1563, 2s. 9d. only is mentioned; but in 1630, the service is 4s. and 2s. 9d.³ One moiety remains the same; perhaps the increase of 1s. 3d. in the other represents commutation for the cummin, said to be worth 1½d. in 1288.

Or possibly the 1s. 3d. is for part of Duxbury, of which place and the services due (three-thirds totalling 3s. 6d. in 1288), there is no mention in 1563 and 1630.

The service of Heath Charnock was 1s. 9d. and 3s. 9d. in 1288, total 5s. 6d. (the same as in Adlington); but in 1563, 1s. 10½d. is paid

¹ P. 32.

² P. 21.

³ P. 34.

for Hall o' th' Hill, and 1s. 10d. for The Ridges, total 3s. 8d. ; a third part of the rent, another 1s. 10d., is missing. The services for the moieties of Charnock Richard are much the same in 1563 as in 1288, a 1d. only has been added to the Charnock family's portion.

In Welch Whittle 2d. has been added by 1563, 1d. only in 1630, to the sum given in 1288.

The hamlet of Thorpe paid 10s. to William de Ferrers, but in 1563 the heirs of Richard Balderston for lands in Bretherton paid 11s. The extra 1s. represents part of the service for Bretherton, apart from Thorpe. The shilling paid by the heirs of William Jackson in 1563 was part of the service for Bretherton. The latter vill rendered 2s. 3½d. in 1288, adding together the shilling over and above the amount due for Thorpe paid by Balderston, and the shilling rendered by the heirs of Jackson it is seen that 3½d. is lost.

The service for the manor of Bispham and for land in Mawdesley and for Clayton remained the same in the sixteenth as in the thirteenth century.

Altogether, this affords a remarkable example of the continuity of chief rents over a period of more than three centuries ; for several, if not all, of these items expressly mentioned in 1288 must have been among the foreign rent of the wapentake summarily referred to in 1257.

The collection of the chief rent due to the Crown for Healey Park in Chorley belongs rather to the bailiwick than to the wapentake lordship, and will be mentioned in the account of the bailiwick. These rentals, though late, are additional evidence that the sums paid to Ferrers in 1288 were not regarded as dues to a mesne lord, but as services rendered to the lords of the wapentake. The lords were entitled to them in that very capacity, i.e. by reason of their lordship, since the rents were originally thanage or fee farm services due to the Crown.

We have no doubt that, if Shireburne rentals were available, it would be seen that the ancient services due to the lords of the hundred of Leyland were demanded until a much later date, than these sixteenth and seventeenth century documents cover.¹ At last they would be redeemed, one by one ; or, owing to the decreased value of the stated sums, the cost of collecting them would be greater than the

¹ Local rentals show that Peter Adlington, esq., paid 3s. 9d., and Robert Charnock, 5s. to Richard Shireburne in 1667. Sir Richard Clayton and Mrs. Townley Parker paid similar amounts to Mr. Weld about 1790 ; but these were probably chief rents payable for lands in Chorley to the lord of Chorley manor. In a complaint of Quakers concerning the oppressive action of bailiffs against members of their community, it was stated in 1664 that in the previous February Thomas Harrison of Carr House near Garstang had a cow taken from him by Henry Corran, bailiff, for two Wapentake rents amounting to 1s., whereas the cow was well worth £2 15s. Nightingale, *Quaker Movement in Lancs.*, 116.

amount collected, and they would no longer be paid. But this type of tenure lasted well into the nineteenth century, as is evident from a statement made in 1824:

"In many parts of this county lands are held by suit to the hundred leet . . . and such are called hundred lands."¹

It is possible that some of these hundred rents may be still collected in Lancashire. They do exist elsewhere. A recent writer notes as "characteristic of English institutions" the persistence of the fiscal rights associated with the tenure of the hundred. Even where the three-weekly court ceased to exist, the half-yearly sessions long continued for the collection of the ancient dues. "The payments known as the customs of the hundred in Domesday Book, as the hundred pennies in the south-west, as hundred geld in the midlands, as hundred scot in East Anglia, and as 'assized rents' almost everywhere, figure at considerable length in the Commonwealth survey of Crown lands in 1651, and a few survived into the nineteenth century. Hundred silver was a rent-charge paid in some of the villages of Dodingtree hundred in Worcestershire up to 1893, and 'wroth-silver,' once ward silver is still paid to the lord of the hundred of Knightlow, Warwickshire, at Martinmas."²

¹ Edward Baines, *Directory of Lancs*, I, 136. See also *V.C.H. Lancs.*, VII, 69.

² H. M. Cam, *The Hundred and the Hundred Rolls*, 1930, p. 166.

IV. OTHER PERQUISITES PERTAINING TO THE LORDSHIP.

It may be asked, What else had the lord of the hundred in addition to these rents?

From some vills suit of court was due, even where there was no service in money to the lord of the hundred.¹ Again, the King, as lord of the hundred, had relief, 40s., and other fines in 1066.² The hundred paid 9s. 4d. for reliefs and fines of land in 1257 to the guardian of Robert de Ferrers.³ In another hundred at this time the bailiff mentioned a certain wardship put to farm.⁴ The usual relief in the neighbouring hundreds was double the rent.⁵ As to wardship, this privilege was unusual in the case of socage tenure, and Ferrers was denied the keeping of Adam de Bispham, in 1294, because the manor was not held of him by knight service but by a rent of 40d.⁶ A complaint was made in 1323 that whereas entry (*gressom*) after sale and purchase had been released by the King "as well in the wapentake of Leyland as in the fee of Penwortham," the bailiffs still enforced the payment.⁷

What looks like a claim to escheats on the part of the lords of the hundred appears as late as 1635, when information was given that Richard Shireburne and Alexander Rigby (they were the lords of Leylandshire) had entered on the manor of Ridges in Heath Charnock, and messuages, land, and wood there, formerly the possessions of Sir James Harrington, who was convicted of high treason in 1485 (the family were Yorkists, and his father and grandfather fell at Wakefield in 1460 fighting for the Duke of York). It was alleged that Shireburne and Rigby had entered into the forfeited lordships, etc., taking the profits since 1580.⁸

Had the lord of Leylandshire any demesne within the hundred? There is demesne described in 1066; and although none is mentioned in 1086 it is probably to be understood as existing the same as before. Roger de Poitou, who must have regained possession of the district soon afterwards, held in 1094, perhaps by escheat, Croston Church and one moiety of Eccleston Church, for he granted them in that year to the

¹ See p. 77.

² *V.C.H. Lancs.*, I, 285-287.

³ *Lancs. Inquests*, I, 207.

⁴ *Ibid.*, 206.

⁵ *Ibid.*, III, 90, 91., etc.

⁶ *V.C.H. Lancs.*, VI, 101, n.

Pollock and Maitland, *Hist. Eng. Law*, I, 321.

⁷ Assize R. 525, m. 13. Compare Pollock and Maitland, *op. cit.*, I, 312, 336.

⁸ Duchy of Lancs. Plead., bdle. 345; Hil. 2, Chas. I.

Abbey of Sées in Normandy.¹ Demesne wood appears in the bailiff's account, 1257; ² but that is demesne of the manor of Chorley rather than of the hundred. The same may be said of the 80 acres in Chorley held at the will of the lord in 1288.³ There was demesne wood or ancient forest at Chorley, but that was at some early date reserved to the Crown.⁴ Lands in Chorley were held in later days of the lords of Leylandshire, but by this time it was difficult to discriminate between hundred lands, and those of the manor of Chorley, which the lords also held.

The Shireburne rentals of 1563 comprise land in Longton (a manor house is mentioned, called the Hall of Longton), Great Hoole, Howick, Whittle-le-Woods, Leyland, and Eccleston; some of these possessions may represent demesne of the lords of the hundred. The only part of which we can say this with an approach to certainty is a small piece in Eccleston. Here Sir Richard Shireburne held 15½ yards and 26 falls of land, arable, meadow, and pasture; the tenant John Crane holding one-fourth of his tenement of Sir Richard by lease for a rent of 5s. (Sir Richard held the fourth part of the hundred of Leyland). If his land in Leyland was ancient demesne that had also been reduced to small dimensions. The wife of Ralph Clayton held of him a messuage, namely, one fire house, with a cross chamber, one barn and 5 acres 18 falls of land, arable, meadow, and pasture, at a yearly rent of 6s. 2d. "above the free rent clear."⁵ Evidently the demesne at Leyland had been reduced by division among the lords, and by sales from time to time.

One alienation of this sort took place when Dame Margaret Banastre, lady of Leylandshire, granted in fee, about the year 1325,⁶ a messuage in Eccleston to Master Ralph de Tunstall, without royal licence.⁷ Accordingly the messuage was taken into the King's hands, but restored after a fine had been paid. Margaret was considered a tenant-in-chief of the Crown because the manor of Bolton and the wapentake of Leyland⁸ (of which the messuage was parcel) was held of the manor of West Derby, which was in the King's hands by the forfeiture of Earl Thomas and Robert de Holland. As the lands held by service of the lord of Leylandshire included, in 1288, nothing in Eccleston, the grant to Master Ralph suggests the sale of something which had been held in demesne. After the episode recorded, Master Ralph was said to hold in chief. The lady of the hundred transferred

¹ *Reg. of Lancs. Priory*, Che. Soc., Vol. XXVI, 9.

² *Lancs. Inquests*, I, 207.

⁴ P. 70.

³ *Ibid.*, 272.

⁵ Hawkshead MS.

⁶ *Lancs. Inquests*, III, 22. Compare *V.C.H. Lancs.*, VI, 164, n. 5.

⁷ Pollock and Maitland, *op. cit.*, I, 336.

⁸ Here called Eccleston, because the wapentake court met there.

her right to Master Ralph in such a way as to retain no lordship after the transaction, in accordance with the statute *Quia Emptores*.¹

Thus it has been shown that the lordship of the hundred, with feudal rights over the fee farm or thanage tenants, though it comes into evidence only in the thirteenth century, yet had its origin in the local conditions obtaining before the Conquest.

The relation to Penwortham barony of the wapentake, and especially of the eight manors in Standish parish held of William de Ferrers, will be discussed after first considering the Marsey and Banastre mesnes.

¹ Pollock and Maitland, *op. cit.*, I, 337.

V. THE MARSEY FEE.

As already stated, the Victoria County History confuses, to some extent, the lordship of Leyland hundred with the rights of the Marsey family in Shevington, Charnock Richard, and other manors of Standish parish.¹ Let us therefore enquire somewhat closely into the Marsey fee in Lancashire. How it came to Ferrers is well known. In the conveyance of 1230, already referred to, Marsey sells to the Earl of Chester the manor of Bolton with all its appurtenances, and "all I have" in the manor of Bolton, and in Little Bolton, Tonge, Haulgh, Brightmet, Radcliffe, Urmston, West Leigh, Sharples, Haigh, Harleton, Scarisbrick, Heaton near Lancaster, Mellor, Darwen, Eccleshill, and, in addition, the eight places in Standish parish under discussion: Standish, Langtree, Shevington, the two Charnocks, Welch Whittle, Adlington, and Duxbury.² It should be carefully noted that the substantial part of this fee was the manor of Bolton-le-Moors, and that scarcely anything else can be traced in the account of the Ferrers' estate in 1257.³

The Marsey rights in the eight places in Standish parish and Leyland hundred, just named as included in the grant of 1230, have been supposed to rest upon two ancient infeudations: first, the grant of two carucates in Standish and Langtree made by Richard Bussel, lord of Penwortham, to Richard Spileman, to which we have already called attention, and of which the inquest of 1212 says, "Thurstan Banastre holds that land by one sor hawk." It has been inferred, we think erroneously, that the mesne held by Banastre was transferred to the Marsey family before 1230. Secondly, though apparently prior to this gift, Warine Bussel gave to Ranulf son of Roger [de Marsey] five carucates of land in marriage with his daughter. The 1212 inquest which tells us this, does not mention the locality of the land nor the type of tenure.⁴

Let us consider this grant of five carucates or ploughlands. Dr. William Farrer states unconditionally that the townships in which the ploughlands lay were as follows, the ploughland assessment (in brackets) being based upon records later than 1212: Duxbury (1½), Adlington

¹ *V.C.H. Lancs.*, VI, 199, 204, 213, 217.

² Ormerod, *Cheshire* (ed. Helsby), I, 37.

³ *Lancs. Inquests*, I, 205-210.

⁴ *Ibid.*, I, 29, 31.

(1½), Heath Charnock (¾), Charnock Richard (½), Shevington (1), and Welch Whittle (1).

The Victoria County History makes the same affirmation quite definitely, though it is based on inference only, concerning Shevington, Welch Whittle, Charnock Richard, the "whole or part" of Duxbury, and Heath Charnock; while it says that Adlington "appears to have been part of the five ploughlands."¹ We do not say that the identification is erroneous (the conclusion drawn that they were members of Penwortham barony is doubtful). But it should be noted that the locality of the ploughlands is not specified in the inquest of 1212, and the rating of these townships as given above, and learnt from a later source,² is larger than the five ploughlands granted by Warine Bussell. There is a tendency to include in this grant more than it can contain, as if one were to attempt to pour a quart of liquid into a pint vessel. Especially so, if we are to crowd the ploughland represented by the half of Heaton-in-Lonsdale also into the five ploughland grant, as the editors of the County History ask us to do. One moiety of Heaton, they say, "was by Warine Bussell given in marriage with his daughter to Randle, son of Roger de Marsey." Here, however, the statement is qualified by a note that this is a probability only, as the five ploughlands are not specified.³

Ought we not to find a place for Bolton-le-Moors, with some of its appurtenances, in this grant of five ploughlands, especially as Great Bolton was the *caput* of the Marsey fee in Lancashire. Their right in this county is once described as the Bolton fee.⁴ We know that Bolton owed suit to Penwortham in 1371, and much later.⁵ If not included in this reference, then there is no allusion, apart from the mention of four ploughlands held in chief (Brightmet, Radcliff, Urmston, Little Bolton, etc.) to Marsey's principal possession in Lancashire in the inquest of 1212.⁶ The County History notes that several later inquiries state the manor of Bolton to be held of the lords of Manchester, and adds "this seems to be an error. It was of Penwortham rather."⁷

What was the nature of the Marsey holding in Standish parish and Leyland hundred, was it a knight's fee held of Penwortham? This was the view taken in 1903 by Dr. W. Farrer. Basing his conclusion on the two infeudations mentioned above as cited in the survey of 1212, after stating that the five ploughlands lay in Duxbury, Adlington, the two Charnocks, Shevington, and Welch Whittle, he opines that Marsey had also received a grant of the mesne lordship of Standish and Langtree (each one ploughland); and that for the whole eight places (8½ ploughlands) he performed the service of one knight out of the

¹ *V.C.H. Lancs.*, VI, 199, 203, 204, 208, 213, 217.

² *Lancs. Inquests*, II, 20, 134.

³ *Lancs. Inquests*, II, 205, n.

⁶ *Lanc. Inquests*, I, 205.

⁵ *V.C.H. Lancs.*, VIII, 70.

⁵ *V.C.H. Lancs.*, V, 246, n. 39, 245.

⁷ *V.C.H. Lancs.*, V, 245, n.

quota of five knights due from the barony of Penwortham within and without the Lyme.¹ Possibly Dr. Farrer modified his opinion, for in a schedule of knight fees anciently due to Penwortham, which he drew up in 1906, he omits a Marsey fee in these townships, and interprets the Banastre right as persisting after 1212 and 1230.²

The suggested transfer of a Banastre mesne, in any of the townships under discussion, to Marsey before 1230 must be ruled out, on the ground mentioned that the Banastre rights continued to exist.³ Still, it is difficult to resist the idea that some close connection obtained between the Banastre and Marsey possessions. Eight townships in Standish parish (and no others) are mentioned in Marsey's sale in 1230. In two of these Thurstan Banastre had some right in 1212. In three others the Banastre family held a quarter fee in 1246 and 1302. In all eight conjoined (and no others) Margaret Banastre held a knight's fee in 1311 and 1322.⁴

Thurstan Banastre cannot have conveyed what he had to Marsey; Marsey cannot have surrendered his right to Banastre, for he sold what he had to the Earl of Chester. One theory that might meet the case, but it is a theory only, is that Marsey and Banastre held jointly in these eight places; and that Banastre retained his rights while Marsey surrendered his to Earl Ranulf, in such a way that Banastre remained responsible for the military service. This hypothesis is not quite free from difficulty; for Banastre is not said to hold by knight service in 1212, but by the render of a sor hawk. There is a similar position, revealing collateral rights of Marsey and Banastre, in Mellor, Darwen, and Eccleshill, three places in Blackburn parish comprised in the grant to Earl Ranulf.

On the whole, then, it is unlikely that Marsey held a knight's fee of Penwortham in these eight townships. Such a conclusion lacks the corroboration of later records.

Was it sake fee that Marsey held in the eight townships? Sake fee is a due which was paid to the King, apparently as Dr. Farrer suggests, in lieu of some portion of the perquisites of the hundred courts, perquisites resigned by the Crown when military fiefs with their baronial courts and accompanying judicial rights were created after the Conquest.⁵

In 1212 Roger de Marsey held of the King in chief, by the service of 10s. and one judge, four ploughlands, identified by Dr. Farrer as Little Bolton (with its dependencies Haulgh, Tonge, and part of Sharples), Urmston, Radcliffe, and Brightmet. All these seven places are mentioned in the grant to Earl Ranulf. This 10s. service is afterwards described as sake fee; and it was counted among the issues of Salford

¹ *Lancs. Inquests*, I, 29, 35.

² See p. 52. ⁴ See p. 54.

³ *V.C.H. Lancs.*, I, 303.

⁵ *Lancs. Inquests*, I, 71.

hundred, these places being in that hundred.¹ The payment was evidently placed upon the tenants of the four manors, Little Bolton, Urmston, Radcliffe, and Brightmet; and it continued to be paid by them in shares of 2s. 6d.² If Marsey's bailiff collected it from them before 1230, it was merely that he might hand the sum to the King's bailiff. It is evident that sake fee could not be granted by Marsey to Earl Ranulf, as it was a Crown right. It was indeed granted to the Earl, but by the King himself.³ Therefore, no due of this sort from Standish, Langtree, etc., formed part of the conveyance in 1212. No sake fee appears to have been included in the grant of Bolton and of Leyland hundred by Robert de Ferrers to his brother, William. Such rights descended to the Earls and Dukes of Lancaster and to the Crown.⁴ 28s. sake fee was due from the Clitheroe fee in 1311 to the Earl of Lancaster.⁵ This sum apparently included 18s. 1½d. from Penwortham barony.⁶

So far as we can trace the various items in the Marsey fee in Lancashire at all, we find them chiefly consisting of various money services. Supposing this were so also in these eight townships of Standish parish, we now address ourselves to a rather difficult question. Did he hold a mesne lordship between the lord of the hundred of Leyland (the King before 1229, Earl Ranulf afterwards) and the immediate tenant of the manors concerned, of such a kind that he received and retained from these places the forensic rent such as we have described above, the dues formerly paid to the King? Or did he hold a mesne of such a kind that whatever else he demanded and kept, he did not receive these ancient rents, except perhaps to collect them and pass them on in the same fashion as he passed on the sake fee just discussed?

If Marsey possessed the services afterwards ascertained to be due from Standish and the seven other places, then he had the most valuable part of the hundred rents. For it will be remembered that the following dues were payable in 1288, Shevington, 8s.; Standish, 5s. 8d.; Langtree, 5s. 8d.; Adlington, 5s. 6d.; Heath Charnock, 5s. 6d.; Duxbury, 3s. 6d.; Charnock Richard, 7s.; Welch Whittle, 7s. 8d. This makes in all, £2 8s. 6d.; whereas the total from the hundred was only £3 10s. 5½d. In this case the grant of Leyland hundred from Henry III to Earl Ranulf, was of a very meagre description; and it required the purchase of alienated manors from Marsey to make it of much account.

Foreign rents could be granted to a subject. They were granted to Earl Ranulf by the King in West Derby and elsewhere; and those of

¹ *Lancs. Inquests*, 71, 138, 301; II, 204.

² *V.C.H. Lancs.*, V, 252, n.; 58-59, 267, 52 and n. 17.

³ See p. 12.

⁴ References in n. 2.

⁵ *Lancs. Inquests*, II, 3, 19.

⁶ *Ibid.*, II, 194. For sake fee in 1205-06, see *Lancs. Pipe Rolls*, 268.

Leyland hundred were in the hands of the guardian of Robert de Ferrers in 1257, and in the hands of William de Ferrers of Groby in 1287. For we have shown that the foreign rent of the wapentake in 1257 was equivalent to the services in the inquisition of 1288. If Marsey held them in the Standish group and granted them to Earl Ranulf in 1230, then the King's grant to the Earl and the Earl's purchase was an attempt to reunite such scattered members of the hundred of Leyland as could be brought together. The King (on this hypothesis) gave the wapentake, with the court, etc., and the service from Thorpe (certainly in the hands of the Crown in 1212 and 1226), also presumably the services from Great Hoole, Bispham, Mawdesley, Clayton-le-Woods, and Bretherton. The other forensic rents, i.e. those in Standish parish, came by purchase from Marsey.

But side by side with this possibility that Marsey had the forensic services due from eight places in the hundred, we must weigh the alternative mentioned above; that he had a mesne between the lord of the hundred and the immediate tenants of such a kind that whatever he received from the tenants, he did not receive so as to retain the hundred rents, but passed them on to the chief lord.

Bearing in mind these alternatives, let us consider what Marsey had in some of the other places mentioned in the sale to Earl Ranulf.

First of all there is a Bolton group of places. These have been mentioned in connection with sake fee, which it is clear Marsey paid to the Crown. The twelfth part of a knight's fee, by which in 1212 Roger de Bolton held of him in Little Bolton,¹ can be traced; but we cannot trace any rights that Marsey had in Sharples,² Tonge,³ and Haulgh.⁴ There are two rents due to him in 1212: 6s. from Radcliffe, and 8s. from Breightmet.⁵ These were afterwards due to the Earl of Lancaster. Dr. Farrer, the editor of the 1212 inquest, surmised that castle ward was due from these lands; and in 1323 both these rents (the latter in two moieties of 4s. each) are said to be for ward of Lancaster Castle.⁶ If they were castle ward dues in 1212, then they would be received by Marsey from the tenant, but handed on to the lord of the honour. Here, then, is a mesne of the second or less substantial kind of the two indicated above.

Again, in the 1230 conveyance there are three places which we may call the Mellor group. These places, in the Marsey fee, were situated in the parish and hundred of Blackburn, namely Mellor, Darwen (Lower Darwen), and Eccleshill. There is evidence that Henry de Lacy, lord of Clitheroe, about the year 1165, granted Robert Banastre a knight's fee of which Walton-le-Dale was the principal manor:

¹ *Lancs. Inquests*, I, 71; II, 30.

² *Ibid.*, 255, n. 6.

³ *Lancs. Inquests*, I, 71.

⁴ *V.C.H. Lancs.*, V, 260.

⁵ *Ibid.*, 259, n. 25.

⁶ *Ibid.* II, 102.

Mellor, Eccleshill, and both Darwens were included. It was held by the service of one knight and a rent of 10s. yearly for ward of Lancaster Castle.¹ Probably before this infeudation, the Marseys had obtained some rights in Mellor, Eccleshill and Lower Darwen. Hence the mention of these places in the sale to Earl Ranulf. From this group certain annual rents were afterwards paid to the bailiff of the hundred of Salford.² It is discovered from later inquisitions and rentals that Mellor paid 4s., Lower Darwen 14s., Eccleshill 4s.³ These payments appear to be thanage or fee farm rents; in fact, forensic services due to the lord of the hundred. Why were they not paid to Blackburn hundred bailiff, or to the King's bailiff in that hundred, where these manors belong? No doubt because of the connection of these places with the Marsey fee. The chief Lancashire manor in that fee was in Salfordshire, and it would be convenient for the bailiff of the chief manor, Bolton-le-Moors, to pay over the sums due to the bailiff of the hundred when attending the wapentake court. In 1323, it is the immediate tenants of the Mellor group, who as "free foreign tenants of the wapentake of Salfordshire" pay 20s. [more correctly 22s.].⁴ The same free rents come under the head of Blackburnshire in 1346. Two years later they are again accounted for in the wapentake of Salford. In both these last extents the true sum, 22s., is given.⁵

This method of payment suggests a condition of things anterior to 1230, when Marsey's bailiff from Bolton would pay dues to the King's bailiff in Salford hundred. After 1230 both bailiffs would represent Earl Ranulf; but old custom continued. The sake fee was also paid in this way. If the custom arose before 1230, then the rents from the Mellor group were forensic rents due to the lord of the hundred; and they would therefore be grouped with "foreign rent of the wapentake of Salford" in 1257.⁶ In an account for 1323 there is an item, Ward of the castle of Lancaster "in the fee of Boulton [i.e. the Marsey fee], in Salfordshire, Leylandshire, and Blakeburnshire."⁷ The amount is 22s.; and it looks therefore as if this were the service from the Mellor group, but differently described. If so, this strengthens our conclusion that the service was not retained, but paid to the Crown by Marsey. As to Westleigh, another place named in the Marsey conveyance, its early history is obscure, and his interest there cannot be traced.⁸ The same is true of Haigh.⁹

Harleton and Scarisbrick in West Derby hundred are two other places in the Marsey fee in Lancashire. Concerning these (now both merged in Scarisbrick), it has been said that "the nature of Marsey's

¹ *V.C.H. Lancs.*, VI, 290.

² *Ibid.*, 260, 276, 279.

³ *Ibid.*, 277, n. 26, 261.

⁴ *Lancs. Inquests*, II, 106 twice. One account says 10s.

⁵ *Ibid.*, III, 108, 107, n., 189.

⁶ *Ibid.*, I, 205.

⁷ *Ibid.*, II, 205, n.

⁸ *V.C.H. Lancs.*, III, 422.

⁹ *Ibid.*, IV, 115.

interest is not clear. It is possible that he was mesne lord between the lord of Lathom and the Earl of Chester, to whom Henry III, in 1229, had granted the land [excluding Blackburn hundred] between Ribble and Mersey, including the wapentakes of West Derby, Salford, and Leyland. If so, this mesne tenure was removed by the sale in 1230."¹ These villis were held in thanage, and the ancient farm for them, 8s. at Martinmas, seems to go back to the Domesday period. The name Scarisbrick, indeed, does not occur in the survey of 1086, but the two villis were comprised in Hirleton (Harleton) and half of Merretun (Martin), of which it is said that a certain Uctred held them for half a hide (three ploughlands). The value at that time was 10s. 8d.² The rent had been remitted. It is mentioned that the thanes in West Derby had by custom to render two ores of pence (3s. 4d.) for each carucate of land. This rent was called carucate geld; apparently there was a farm rent of a similar sum in addition. In some cases rent was remitted as stated.³ Harleton and Scarisbrick were held, as mentioned, by an ancient rent of 8s., which was evidently payable in the reign of Richard I; and, as it is the exact amount of the carucate geld paid in 1066 for three carucates of land, the rent must be older still. It was paid to the lord of Lathom, but was evidently passed on to the King, or to the lord of the honour. Robert de Lathom rendered the same sum for Harleton and Scarisbrick to Edmund, Earl of Lancaster in 1298.⁴ We cannot tell whether Marsey received this service of the immediate tenant; but if so, it is practically certain that he transferred it to the lord of Lathom. Even if Marsey's lordship was superior to that of the Lathom family, it seems probable that the 8s. was due to the Crown. In 1323 it was rendered by Robert de Lathom; and in 1346 it was described as castle-guard.⁵

The rent of Scarisbrick has just been described as transferable to the Crown or chief lord. The same statement may probably be made concerning Heaton-in-Lonsdale, the only place north of Ribble included in the Marsey conveyance of 1230. Roger de Marsey (1160-80) held a moiety of Heaton, which he granted to Roger, son of Orm. The grantee was to render to Marsey 10s. at St. Martin, and 12d. sake fee, "*servitium regis*."⁶ The same grantee conveyed it to Augustine, son of Waldeve, ancestor of the Heaton family of Bourn Hall. The rent was, as before, 10s. at the feast of St. Martin and 12d. sake fee "*ad servitium regis*."⁷ The land was to be held "of me and my heirs in free thanage" by this yearly service. These two transactions were the last in a series. The history of this Heaton is very involved; but perhaps may be straightened out in the following way. In the first instance, we must assume that the Crown granted it to one of the

¹ *V.C.H. Lancs.*, III, 265, and notes.

² *Ibid.*, I, 284.

³ *Ibid.*, 287, 276, 277.

⁴ *Lancs. Inquests*, I, 287.

⁵ References in n. i.

⁶ *Lancs. Pipe R.*, 406.

⁷ *Ibid.*, 409.

Grelleys, the assessment being two plough-lands. Albert Grelley confirmed it to Roger, son of Orm, ancestor of the Kirkby Ireleth family (1153-62);¹ the rent was 20s. It has to be surmised that the grantee surrendered his right to the Bussels, retaining no lordship. We learn from the inquest of service in 1212 that Warine Bussel gave one ploughland in Heaton (and another elsewhere) to Hamon le Boteler in marriage with Warine's daughter.² We have to infer that the other ploughland passed from the Bussels to Marsey; possibly as one of the five ploughlands in a grant mentioned in 1212, which we have discussed. This latter moiety is the one which Roger de Marsey granted to Roger, son of Orm. In 1262 Geoffrey de Chetham was in place of Marsey as lord over the immediate tenant;³ in 1323 and 1346-48 Roger de Pilkington occupied this position, the 10s. rent being paid to the bailiff of Salford hundred.⁴ Dr. Farrer explained this method of payment, the service for a ploughland in Lonsdale being tendered to the bailiff of a different hundred, Salford, by the inference given above that the Grelleys, lords of a fief in Salford hundred, were original grantees of Heaton from the Crown.⁵ Is it not, however, more readily accounted for in the same way as the payment of "sake fee of the land of Ranulf, son of Roger,"⁶ and also the services from the Mellor group, to the bailiff of Salfordshire? In 1348 we find the services from lands formerly in the Marsey fee, Heaton, Radcliffe, etc., Mellor, etc., appearing in the accounts successively, as if they were members of a group.⁷ It seems evident to us that Marsey or his bailiff, before 1229, paid the ancient rent to the bailiff of Salfordshire as representing the Crown, because Marsey's chief manor Bolton was in Salford hundred, and his bailiff would attend the wapentake court. Even Dr. Farrer's suggestion, tenable or not, implies that Grelley rendered to the bailiff of Salfordshire the ancient thanage rent from Heaton due to the Crown.

It is evident that the rent for the moiety of Heaton held in thanage remained constant, though it was transferred from lord to lord. A mesne of this sort, where the land bore an invariable thanage rent due to the chief lord, was a very slender affair; and it is little wonder that the Grelley mesne dropped out of notice, and also that of Roger, son of Orm.⁸ A relic of the Bussel lordship remained in the military service rendered to that fee for the moiety of Heaton not held in thanage, the thanage service having been changed to knight service in this half.⁹ The Marsey mesne melts away after the mention of it in the conveyance, in 1230, to the Earl of Chester.

¹ *Lancs. Pipe R.*, 403. The first grant was earlier; Roger had held it of Albert's father.

² *Lancs. Inquests*, I, 30; see *V.C.H. Lancs.*, I, 335, n. 8.

³ *V.C.H. Lancs.*, VIII, 70.

⁴ *Lancs. Pipe R.*, 408, n.

⁵ *Ibid.*, III, 189.

⁶ *Ibid.*, I, 317.

⁷ *Lancs. Inquests*, II, 106; III, 108, 189.

⁸ *Lancs. Inquests*, I, 301.

⁹ *Ibid.*, 407, n.; 408, n.

Arguing, then, from the analogy of the Marsey rights in these places, where they can, to some extent, be traced and examined, we conclude that all Ranulf son of Roger had in 1230 in Standish, Langtree, Shevington, Charnock Richard, Heath Charnock, Welch Whittle, Adlington, and Duxbury, consisted of mesnes resting on ancient infeudations. These would be merged in the lordship of the hundred after the conveyance to Earl Ranulf. By virtue of his mesnes, Marsey may have been entitled to certain wardships and reliefs, though nothing of the kind has been traced in local records. If any rent was payable to him as mesne lord it would be combined, after 1230, with the foreign rent of the wapentake. Such increments, if any, must have been quite small; for the foreign rents of the wapentake totalled in 1257 were insignificant enough, as we have seen. Moreover, the amounts in 1288, when we get details, resemble the rents said to be due in 1066, when 3s. 4d. was paid to the King from each ploughland for carucate geld, and, in some cases at least, a similar sum for farm rent, 6s. 8d. in all. Looking at the services detailed in 1288 (Standish, 5s. 8d.; Langtree, 5s. 8d.; Adlington, 5s. 6d.; Heath Charnock, 5s. 6d.; and the others) they wear an aspect of antiquity. Their very smallness looks that way. Something may have been deducted for land given to Churches or monasteries; very little can have been added as a mesne rent imposed by Marsey.

For the reasons mentioned (and our conclusion is chiefly based on a comparison with the services traceable in other places comprised in the conveyance from Marsey to the Earl of Chester in 1230) we cannot think that Marsey held the foreign services from the places in the Standish group in his own right. If they were paid to him as mesne, it was only that he might transfer them to the King or chief lord.

The extreme slenderness of such mesnes has been illustrated in the case of Heaton. It may be further seen in the case of Bretherton, where in 1252 Lady Quenilda de Gernet held a ploughland in chief of the Earl of Lincoln by knight service, but received nothing therefrom but wardship and relief.¹ In 1254 Ralph de Beetham held a ploughland in Bretherton by the same tenure; "but another has been enfeoffed freely therein and pays nothing."² To similar meagre dimensions, possibly, had shrunk the Marsey property in the Standish townships in Leyland hundred. Even escheats, wardships, and relief, so far as Duxbury is concerned, were claimed by other mesne lords in 1227 (before the Marsey sale), and the Marsey lordship is not expressly mentioned.³

Apart from the question of the nature and value of the Marsey rights in these eight townships, there remains the problem of the origin of those rights. It has been thought to derive chiefly from the grant

¹ *Lancs. Inquests*, I, 190.

² *Ibid.*, 195.

³ *Lancs. Fines*, I, 52. See p. 27 n.

of five ploughlands (in unspecified places) from Warine Bussel about 1150 to Ranulf son of Roger in marriage with his daughter. We do not rule out this identification; but we think it should be stated much more cautiously than is done in the County History in describing the tenures of these local manors. Their oldest tenure was of the hundred; and this should surely be stated first. The later imposition of military service and rents for castle guard (?) we will endeavour to explain when dealing with Penwortham barony.¹ Apart from Standish and Langtree, which are otherwise accounted for in the inquest of 1212, the most likely places in the hundred to have formed part of the five ploughlands are Adlington and Duxbury, rated at three ploughlands later, and apparently so rated in 1227, when two men, Roger de Bolton and Ellis de Tonge, had some lordship in part of Duxbury.² The Marsey right in Duxbury is not mentioned in this record of 1227; but the same men were lords of Little Bolton and part of Tonge, which they appear to have held of the Marsey fee of Great Bolton. This does suggest that their rights in Duxbury were also held of Marsey. But if Duxbury and Adlington, a block of three ploughlands, formed part of the five ploughlands, we are unable to find other two to complete the grant in any of the other four places (omitting Standish and Langtree) with as clear and good a claim. We have already called attention to the probability that Great Bolton itself was part of the grant, and within it might be found room for Heaton near Lancaster, and other places omitted from the inquest of 1212, but included in the Marsey conveyance of 1230.

There seems just a possibility that the Marsey rights arose from an infeudation still more ancient than the Bussel grants recorded in 1212. One of the knights holding land in Leyland hundred in 1086 was Gerard (Girardus), who had a fee of a hide and a half. A certain "*Girardus homo Rogeri*" held a small estate at the same period in Legbourne in Lincolnshire under Roger de Poitou, which small estate was afterwards held by the priory of Marsey. It is Dr. Farrer, who calls attention to this possible link between the Marsey family and the tenant of nine ploughlands in Leylandshire.³ The priory of Marsey is said to have been founded before 1192 by Roger son of Ranulf de Marsey.⁴ But Dr. Farrer adds that he has failed to find any connection between this Roger son of Ranulf, who "possessed a considerable estate in this [Leyland] hundred," and the Girardus of the Domesday Survey. All we can say is that an ancient infeudation of nine ploughlands would account for the Marsey mesnes in these eight townships somewhat more satisfactorily than the explanation usually given.

¹ P. 58.

³ *V.C.H. Lancs.*, I, 282, 287.

² *Lancs. Fines*, I, 52. P. 27 n.

⁴ *Lancs. Inquests*, I, 33.

VI. THE BANASTRE FEE.

The Banastre family, barons of Newton-in-Makerfield, were mesne tenants in several townships of Leyland hundred in the thirteenth century. What they held is sometimes described as a knight's fee, sometimes as a quarter fee. The list of townships comprised in their holding is not always the same.

TABULAR VIEW.¹

Date.	Tenant.	Townships.	Fees.	Of whom held.
1212	Thurstan Banastre	Standish, Langtree, 2 ploughlands	—	? Penwortham, by one sor hawk
1242	The heir of Robert Banastre	Shevington, Charnock, Welch Whittle	$\frac{1}{4}$	The heir of the Earl of Lincoln [Penwortham]
1302	The heirs of Robert Banastre	Shevington, Charnock, Welch Whittle	$\frac{1}{4}$	The Earl of Lan- caster
1311	Margaret Banastre	Duxbury and Adlington, 3 ploughlands; Heath Char- nock, 6 oxgangs; Char- nock Richard, $\frac{1}{2}$ plough- land; Standish and Lang- tree, 2 pl.; Welch Whittle 1 pl.; Shevington, 1 pl.	1	Thomas, Earl of Lancaster
1322	Margaret Banastre	Duxbury, Adlington, Heath Charnock, Charnock Richard, Standish, Lang- tree, Welch Whittle, Shev- ington; 8 ploughlands, 2 oxgangs	1	Penwortham

The earliest explicit reference is, as already stated, in the Great Inquest of 1212, where it is said that Richard Bussel [c. 1153] gave two ploughlands in marriage with his sister to Richard Spileman, that is, Standish and Langtree (*Langeton* in the Survey). It is added that Thurstan Bannastre holds that land by rendering one sor hawk.²

¹ *Lancs. Inquests*, 1212, I, 31; 1242, *ibid.*, 150; 1302, *ibid.*, 315; 1311, *ibid.*, II, 20; 1322, *ibid.*, 134.

² *Ibid.*, I, 31.

Nothing is known of Richard Spileman. His interest in Standish and Langtree was somehow vested in Thurstan Banastre, evidently baron of Newton-in-Makerfield. He was not the immediate tenant; for the Standish and Langtree families were in possession then and long before.¹ It is not said that Banastre's mesne was a military mesne; of whom held is not stated, perhaps the lord of Penwortham is implied. But Banastre holds by the render of a sor hawk.

It comes out in 1230, as already stated, that Ranulf de Marsey also has a mesne in these two townships; and in six others in the hundred. It also transpires later still that the Banastres have some right in these other six. What is the relation between the Marsey mesne and the Banastre mesne in these eight places? It has been suggested, as remarked above, that Banastre made over his mesne in the first two to Marsey.² This is most unlikely, for the Banastre right in them persists, and reappears in the fourteenth century, as we shall see. The further suggestion has been made that having been transferred, *ex hypothesi*, to the Marseys, the Banastre right in Standish and Langtree passed by the sale in 1230 to Ranulf, Earl of Chester, and so came eventually to William de Ferrers, Earl of Derby, in right of his wife, Agnes, sister of Earl Ranulf. "The Banastre lordship [in Standish and Langtree] appears to be that held later by William de Ferrers, Earl of Derby, and then by the 'lords of Leylandshire.'"³ Again, the same writers say concerning a suit in 1246, "It seems clear from this that Ferrers occupied the place of Banastre in 1212."⁴

This suggestion also seems ruled out by the reappearance of the Banastre fee much later; unless we are to think that Thurstan Banastre's mesne of 1212 was lost; and that his heirs regained a mesne in these places. That the right of William de Ferrers, Earl of Derby, was much more than a mere "mesne between the lord of Penwortham and the immediate tenants" of Standish and Langtree (as here suggested⁵ by the editors of the Victoria County History), has already been proved. He held the lordship of the wapentake of Leyland in right of his wife, by virtue of a royal grant to her brother; carrying with it, as we have seen, the forensic rent of the free tenants.⁶ This was quite distinct from the Banastre mesne, although at a later date the lordship of the hundred and the Banastre mesne came into the same hands.

The question of the connection between the Marsey mesne and the Banastre mesne is difficult. It is remarkable how often both families are interested in the same lands. We have seen this to be so with the Mellor group of townships in the Marsey fee; and as in this case the

¹ Porteus, *History of Standish*, pp. 128, 144.

² *Lancs. Inquests*, I, 29.

³ *V.C.H. Lancs.*, VI, 193 and n. 4.

⁴ *Ibid.*, n. 8. For the suit see *infra*, p. 61.

⁵ *V.C.H. Lancs.*, VI, 193.

⁶ *Cal. Close R.*, 1231-34, 169, 267, 283; *V.C.H. Lancs.*, I, 296.

Marsey mesne appears to have been acquired before the Banastre infeudation, we may surmise that the right of the Marseys in Standish and Langtree was older and higher in the feudal scale than that of the Banastres. Where did Richard Spileman come in? He was the first grantee of the Bussels, according to the inquest of 1212, and probably stood higher than either Marsey or Banastre. As to the other six townships, it seems impossible to guess the succession of mesnes, especially as the origin of the Marsey interest there remains in some doubt.¹

The second reference to a Banastre mesne in Leyland hundred is found in 1242, when the heir of Robert Banastre is stated to hold the fourth part of a knight's fee in Shevington, Charnock, and Welch Whittle. It was held of the heir of the Earl of Lincoln.² This is equivalent to "held of Penwortham," inasmuch as that fee (as well as the Earldom of Lincoln) had come to the Lacy family.³ The Robert Banastre mentioned was presumably the baron of Makerfield who died about 1241, leaving a son, Robert, and other children.⁴ Did the quarter fee in these three townships exist in 1212? If so, who held it? Dr. Farrer ultimately suggests that Thurstan Banastre held it then; thereby he modifies his own hypothesis mentioned above that Banastre had made over his right to Marsey.⁵

The third reference to the Banastre holding, again described as a fourth part of a knight's fee lying in the same townships, occurs in 1302. It is now said to be held by the heirs of Robert Banastre of the Earl of Lancaster.⁶ The last statement is a strange one, as Penwortham is ignored; the Lacy fee did not come to the Earl until 1311.

It is noteworthy that in the interval between 1242 and 1303, various members of the Banastre family appear in possession of land in the parish. A William Banastre had the Park Hall moiety of Charnock, and conveyed it to Sir Henry de Lea before 1257.⁷ The Lea family were closely connected with the Banastres.⁸

Again Adam Banastre, no doubt the knight who afterwards rebelled, held the manor of Shevington in 1288; and Thomas Banastre, probably his father, held a third part of Heath Charnock at the same time.⁹ In 1307-08 Sir Adam Banastre had lands in Charnock, Adlington, Duxbury, and Shevington, and granted certain rents from them to

¹ See the Marsey Fee, p. 49 here. It is strange that the Marseys held, up to 1230, in just the same eight townships of Standish parish where it transpires eventually that the Banastres held a mesne. These facts suggest an alliance between the two families.

² *Lancs. Inquests*, I, 150.

⁴ *Ibid.*, 371.

⁶ *Ibid.*, 315.

² *V.C.H. Lancs.*, I, 397.

⁵ *Ibid.*, 303; *Lancs. Inquests*, I, 29.

⁷ Kuerden MSS., III, C. 4, Nos. 9, 45.

⁸ Sir Henry de Lea's son, William, married Clemency, daughter of Robert Banastre, baron of Makerfield, Dods MS., cxlii, f. 32b.

⁹ *Lancs. Inquests*, I, 269, 270.

his brother, Sir William Banastre.¹ When we find members of the family in actual possession, we opine that the Banastre mesne was more substantial than that of Marsey appears to have been.

In the fourth reference to the Banastre mesne, as given in the Tabular View above, we find the whole of the eight townships included ; and the knight's fee, now first so reckoned, said to be held of the Earl of Lancaster.² By this time, Earl Thomas not only held the honour of Lancaster ; he also held Penwortham fee in right of his wife.³ But the important thing to notice is that the military mesne, if it be the same essentially as in 1302,⁴ has not only enlarged its scope, but passed away from the main line of the barons of Makerfield to another branch of the Banastres. When the transference took place is not known, as "the heir or heirs of Robert Banastre," phrases employed in 1242 and 1302, are vague. Why or how the change took place is not known ; perhaps it was due to a division of possessions among the children of one of the barons of Makerfield.

The branch that succeeded to the mesne in Standish, etc., may be popularly described as the Banastres of the Rebellion (1315). The line has not been definitely connected with the Makerfield stock. A certain Thomas Banastre of Bretherton is the first known of this branch. He married Agnes, daughter of Henry son of Wen. Their son, Thomas, married Joan Singleton. Adam and William Banastre, both knights, were the sons of this Thomas and Joan.⁵ Sir Adam rebelled against Thomas, Earl of Lancaster, and was executed in 1315. It was, strangely enough, to Margaret, wife of Sir Adam, that the knight's fee in Standish, etc., came, possibly as a marriage portion. For her husband was still living when she was said to hold it in 1311-1312. But it is noteworthy that Sir Adam Banastre himself, as we have shown, held Shevington and other lands in the parish, namely in Heath Charnock, Adlington, and Duxbury.⁶ Shevington at least he had (1288) before his marriage to Dame Margaret.⁷ It is also to be remarked that Shevington manor and the knight's fee in Standish parish descended to her daughter by Sir Adam, and were not shared among all her children, those by a former marriage as well as the daughter by her marriage with Sir Adam. Some other possessions of hers, e.g. the lordship of Leylandshire, were shared in this general way.⁸

¹ Dods MSS., cxlix, 47b.

² *Lancs. Inquests*, II, 20.

³ *V.C.H. Lancs.*, I, 336, 311.

⁴ It is distinctly stated in connection with the aid of 1346-55, Dodsworth's account, that Sir John Harrington [representative of Margaret Banastre] was heir of Robert Banastre, see *infra*.

⁵ Dodsworth MS., cxlix, f. 45 ; *Lancs. Inquests*, III, 16 ; *V.C.H. Lancs.*, VI, 103-104.

⁶ See above, p. 53.

⁷ *Lancs. Inquests*, I, 269.

⁸ This fact disconnects the knight's fee from the grant of the lordship of Leylandshire which was made, together with Chorley, etc., to her second husband,

We may conclude then, that the knight's fee was a Banastre possession, but was given to her on her marriage with Sir Adam, and that the remainder was to her issue by Sir Adam. The history of this lady, Dame Margaret Banastre, a sister of Sir Robert Holland, will be referred to again in outlining the descent of the lordship of Leylandshire.¹

A further reference to Dame Banastre's fee is found in 1322, when she is said to hold the eight ploughlands and two oxgangs (in the several townships under discussion), of the fee of Penwortham in demesne and service for one knight's fee.²

As time went on there was a tendency to levy scutage for the Banastre fee, not from the Banastres or their descendants, but from the immediate tenants of the manors in fractions of a fee (with one exception presently to be noticed). So that in the feodaries of the fourteenth and fifteenth centuries the more comprehensive Banastre fee disappears.

To the aid of 1346-55, Sir John de Harrington and his partners contributed for the fourth part of a fee.³ One account says that as heir of Robert Banastre he held this quarter fee, comprising Shevington, Charnock Richard, and Welch Whittle.⁴ Harrington was lord of Shevington by his marriage to the daughter of Sir Adam Banastre, and so by inheritance from the Banastres.

Nicholas de Harrington, Adam de Hoghton, William de Charnock, and Geoffrey de Wrightington contributed to an aid of 1378;⁵ they were lords, respectively, of Shevington, the moieties of Charnock Richard and Welch Whittle. At the same time 6s. 8d. was claimed from Henry de Standish and Gilbert de Langtree for a third part of a fee in Standish and Langtree, and 6s. 8d. from William de Harrington for the same. Another fraction of the fee is found in the eastern townships. To the same aid, 1378, Sir Nicholas de Harrington [son of Sir John de Harrington, who married Katherine Banastre] and his parceners contributed for the third part of a knight's fee in Heath Charnock and Adlington.⁶ So this third part also had been divided. The co-parceners in 1445-46 for this third part were Lord Ferrers of Groby, and Thomas de Harrington, who each paid an equal sum of 16s. 8d. for relief.⁷

Robert de Hepwall, and herself about 1303. Moreover, the lands and lordships granted are not stated to be held of the grantor by knight service, but of the manor of West Derby by the render of a hawk. Kuerden MSS., IV, G. 10; *Lancs. Inquests*, III, 22. See also deeds cited at the beginning of the *Chorley Survey*, Lancs. and Chet. Rec. Soc., XXXIII.

¹ P. 93 below.

³ *Feudal Aids*, III, 87.

² *Lancs. Inquests*, II, 134.

⁴ Dodsworth MSS., cxxxi, 38. Henry de Lea [formerly] held $\frac{1}{4}$ fee in Charnock.

⁵ Harl. MS., 2085, f. 423.

⁶ Ibid.

⁷ Duchy of Lancs. Knight Fees, bdle 20, No. 20.

It may be objected that here at last we have an instance of a Ferrers representing a fraction of a fee formerly held by the Banastre family. This does not by any means invalidate the contention that the Banastre possessions of 1212 cannot have passed to Marsey, and thence to Ranulf, Earl of Chester, and so to William de Ferrers, Earl of Derby. Earl William de Ferrers does not seem to have owned this fraction of a fee in Heath Charnock and Adlington. It is not mentioned among the family possessions in 1257.¹ Though he held the services of lands in these places, he held them not as mesne lord (except that he possessed the Marsey mesnes), but as lord of Leylandshire. It was in this capacity, as we have seen, that they were held by his grandson.² True, his later namesake and descendant, William de Ferrers of Groby, had one moiety of the lordship of the hundred. But over and above this, he held an estate in Heath Charnock, Adlington, and Duxbury. It was in respect to this estate that scutage was due from him or his heir in 1445-46.³ To this same aid Thomas de Harrington as feoffee contributed for the third part in Standish and Langtree; while the immediate lords of Shevington, Charnock Richard (in moieties), and Welch Whittle contributed for a fourth part.⁴

Can we reconstruct the fee from these fractions? There is a difficulty with regard to Standish and Langtree in 1378. The aid was claimed twice for this third part, from the tenants, and from the mesne lord, William de Harrington, representing by descent the Banastres. The aid was not claimed from the immediate tenant in 1445-46, but only from the Harringtons. Probably, then, the demand from Henry de Standish and Gilbert de Langtree was an erroneous or alternative claim. Omitting it, on this ground, we have in 1378, as stated: Shevington, Charnock Richard, and Welch Whittle $\frac{1}{4}$; Standish and Langtree, $\frac{1}{3}$; Heath Charnock, Adlington, $\frac{1}{3}$. The total quota was therefore $\frac{11}{12}$ of a fee, and the same figures hold good in 1445-46. Duxbury is left out from both feodaries, that may account for the missing $\frac{1}{12}$.

The Banastre fee, we may conclude, was afterwards merged in the immediate lordship of the manor in the case of all the townships mentioned in the fullest account of the fee (given in 1311 and 1322), with the exception of Standish and Langtree. Here the Banastre lordship passed by descent to the Harringtons, who were not the immediate lords, but representatives of the mesne held presumably by the Banastres in 1212, 1242, 1303, 1311, and 1322. In all the other town-

¹ *Lancs. Inquests*, I, 207.

² *Ibid.*, 269, 270; see above, p. 23.

³ *V.C.H. Lancs.*, VI, 213, n. 13; 219, n. 15. The Adlington part (Lancelyn's lands) which passed to Crosse, Breres, and Asshaw, was confused in tenure with the lordship of Leylandshire. *Ibid.*, notes, 8, 13, 14, 15. But no rent of 8½d. appears in the hundred rental of 1563 in the Hawkshead MS. as described.

⁴ Duchy of Lancs. Knight Fees, bdlc 20, No. 20.

ships, a fraction of the fee was held by the immediate lord. The history of the Duxbury fraction remains obscure. The Harrington family were lords of Shevington, and had part of the manor of Heath Charnock. They had these possessions by descent from the Banastres. Nevertheless, they held the fraction of a fee in these places, and contributed to scutage and aid as tenants of those respective manors, and not as holding the Banastre mesne, which survived only in the case of Standish and Langtree.

A word or two may be added as to the carucutage of the fee of Margaret Banastre. As assessed in 1311 and 1322 it comprised eight ploughlands, two oxgangs.

Dr. J. H. Round contends that knight service did not develop out of the liability or supposed liability of every five hides to provide a soldier, but that it was a new system introduced into England after the Conquest, owing to the preference of the Normans for a mounted soldier, and was similar to the *fief du haubert* already established in Normandy. He concludes that the quota of knight service exacted from tenants-in-chief was based on the unit of the feudal host, the *constabularia* of ten knights. The barons were called upon to find one or more of these units; the lesser barons, perhaps, found half a *constabularia* of five knights.¹ In the enfeoffment of knights, which was done by the lords themselves after their quota of knights was fixed, there seems to have been a local agreement as to the area or value of land constituting a knight's fee. Else how are we to understand such statements as the following, made in 1249, and fairly common in Lancashire inquests: "where 12 carucates make one knight's fee"; "where 9 carucates make one knight's fee"?²

As to the assessment of the Banastre fee, we can only observe that locally, as at Hutton, Ulnes Walton, and Clayton, ten ploughlands were considered to make up a fee.³ But value as well as extent was no doubt taken into account. If the rating in 1311-12 still obtained in 1378, then we have the apparent anomaly that in Shevington (1 plough-land), Charnock Richard ($\frac{1}{2}$), and Welch Whittle (1), the total ($2\frac{1}{2}$) was larger for a fourth part of a fee, than for a third part in Standish and Langtree (2). Again, it is difficult to understand how Welch Whittle, a small township (now 596 acres) could be reckoned at the same rate as Shevington (now 1728 acres) and at twice as much as Charnock Richard (now 1946 acres). Welch Whittle had a good water mill; and Charnock Richard was largely moss, moor, and wood. Perhaps this explains the carucutage.⁴

¹ *Feudal England* (1909), 225-314. Knight-Service in *Ency. Brit.*, 11th ed.

² *Lancs. Inquests*, I, 171; cf. 35, 36.

³ *Ibid.*, 36.

⁴ In 1220 the manor, or a manor, of Welch Whittle was assessed at 4 oxgangs only; *Lancs. Fines*, I, 43; *Curia Reg. R.*, 74, m. 22; 76, m. 21.

VII. PENWORTHAM BARONY.

The importance of Penwortham in 1086 has been noted; it is surveyed as if already it was considered a separate fee. It is no part of our plan to trace in detail the history of the barony, but only to discuss very briefly its connection with the wapentake.

Warine Bussel, living in the first half of the twelfth century, was the first baron, and is just possibly the same Warine who in 1086 held half a hide in West Derby hundred and two carucates in Salford. A great part of Leyland hundred and many manors outside it were included in the barony, which passed in 1205 from the Bussel family to Roger de Lacy, lord of Clitheroe, and descended to the Earls and Dukes of Lancaster and to the Crown.¹

The infeudations made by the Bussels are rather summarily recorded in the Great Inquest of 1212. The barony then comprised the fees of five knights within the Lyme and without. In Leyland hundred the following villas are supposed to have been held, either the whole of the vill or part of the vill, of the barony of Penwortham: Penwortham, Hutton, Longton, Farington, Leyland, Euxton, Ulneswalton, Bretherton (excluding Thorpe), Rufford, Clayton-le-Woods, Whittle-le-Woods, Brindle, Hoghton, Withnell, Wheelton, Anderton. This is Dr. Farrer's list, with certain omissions soon to be specified. It is based on inference in some cases rather than express mention in the Great Inquest.² He includes Howick, but this seems to us doubtful, for Roger de Poitou gave it to Evesham Abbey. Bretherton is also doubtful. It rendered service in 1288, as we have seen, to the lord of Leylandshire, and the same is true of Clayton; although both these places, at a later date, were said to be held by knight service.

Dr. Farrer also includes in his list of villas held of Penwortham the eight townships dealt with in discussing above the Marsey and Banastre mesnes. We have noticed that his identification of six of them with an ancient infeudation of five ploughlands by Warine Bussel cannot be unreservedly accepted. Of these eight places only Standish and Langtree are expressly mentioned in the Great Inquest of 1212; and, as we have seen, they are not said to be held of Penwortham by knight service.

¹ *V.C.H. Lancs.*, I, 335-336; VI, 57.

² *Ibid.*, I, 335; *Lancs. Inquests*, I, 28-36.

The next link between any of these places and Penwortham fee is found in 1242, when the heir of Robert Banastre is stated to hold the fourth part of a knight in Shevington, Charnock, and Welch Whittle. This is included in the fees of the heir of the Earl of Lincoln [Edmund, son of John de Lacy], who is said to hold of the Earl Ferrers, and he of the King in chief.¹ We have discussed to some extent the tenure of these townships; but we now revert to them to call attention to the double or treble burdens imposed upon them.

Charnock Richard was said to owe service to the court of Penwortham, about 1250-60, as well as a rent to the chief lord [of the wapentake];² in 1289 and 1290, both Charnock Richard and Standish were said to be held by knight service;³ though at the same period both places were found to be held [of the lord of the wapentake] by an annual rent.⁴ Other references to knight service are given in discussing the Banastre fee.

In addition to the military service said to be due from some or all of these places, a direct payment to Penwortham of an ancient rent was made in 1311 and later,⁵ Standish and Langtree rendered 2s., Duxbury and Adlington, 3s. Suit of court was demanded by Penwortham from all these eight townships in 1625.⁶ This claim for suit and rent, both from the wapentake and the barony could be paralleled from other places in Leyland hundred if space allowed. The eight townships are taken, as we have stated, as an example of the multiplication of dues in many places in Leylandshire, and, indeed, elsewhere.

How are these complicated tenures to be explained? It appears that double tenure, if we may so describe the position, by knight service and also socage rent, exacted for one and the same tenement, was widespread in Lancashire, and this fact has not received the attention which it calls for. It suggests a tendency, whether at the Conquest or later,⁷ to require military service from all land, even that anciently held in thanage. This has incidentally been illustrated in discussing the Marsey mesnes, and if it were not aside from the present purpose, could be abundantly exemplified.⁸ It may have arisen from the oppressive demands of the King, or from the avarice of a lord when making infeudations. Bracton says that a tenant in socage could create a military subtenure. This would ensure to him the wardships and marriages of his tenants.⁹

In addition to the general causes of double tenure, there was one

¹ *Lancs. Inquests*, I, 150, 149.

² *V.C.H. Lancs.*, VI, 204, n. 13.

³ *Lancs. Inquests*, I, 274 and n.

⁴ *Ibid.*, 269, 270, 273.

⁵ *De Lacy Inq.* (Chet. Soc.), 22.

⁶ *V.C.H. Lancs.*, VI, 58, n.

⁷ Cf. *Lancs. Pipe R.*, 385; Round, *Feudal Eng.*, 225 *et seq.*; Pollock and Maitland, *op. cit.*, 252.

⁸ See extent of 1346 *passim*; *Lancs. Inquests*, III, 67.

⁹ Pollock and Maitland, *op. cit.*, I, 265.

special circumstance which, in this district at any rate, helps to explain the position, namely, the fact that the wapentake of Leyland, and the barony of Penwortham happened to be at one time in the same hands. There is no explicit record showing that the Bussel family held the wapentake ; but the hundred and the local manor of Leyland were at the time of the Domesday survey closely connected, and the Bussels evidently held Leyland as well as Penwortham about 1140.¹ Twelve berewicks in the hundred were dependent on Leyland in 1066.² It is impossible to say when this dependency ceased. Evidently before the alienation of Penwortham barony in 1205 ; for Robert de Bussel, then still known as lord of Leyland, cannot have been lord of much more than the local manor.³ In 1229 the wapentake of Leyland was granted by the King to Ranulf, Earl of Chester, as already stated. But the ancient connection between the local manor and the wapentake was not wholly forgotten. Robert de Anderton is indifferently described as *senschal* of Leyland and of Leylandshire in 1316-17.⁴ The hundred was called the manor of Leyland as late as 1628.⁵

If the five ploughlands granted by Warine Bussel to Ranulf son of Roger were really among the eight manors under discussion, we may explain their "double service" by postulating that he was lord of the manor and hundred of Leyland, and also lord of the Penwortham fee ; and that he granted them to be held in thanage of the wapentake, but also imposed a rent to Penwortham, perhaps as castle guard,⁶ with suit of court to both centres. Supposing they were infeudated at an earlier date still, the explanation must be on similar lines, i.e. that one lord held both fees, the wapentake and the castellany. The grant of Standish and Langtree must be similarly explained. This accounts for the ancient rents to the barony from lands held of the wapentake by socage rents. The military service arose probably by the creation of mesnes, sub-tenures of this kind being created by the tenant in socage for the reasons suggested above.

It is noteworthy that Penwortham claimed suit of court from manors really belonging to other baronies, e.g. Croston, and Coppull. This strengthens the probability that the Bussel family held the hundred at one time, and imposed on their tenants suit at both courts,⁷ that of the wapentake and that of the barony.⁸

There is evidence that this system of double tenure was perplexing

¹ *Lancs. Pipe R.*, 320.

² *V.C.H. Lancs.*, I, 287.

³ *Ibid.*, 336. See p. 11 above.

⁴ See account of the serjeanty of the hundred, p. 63 here.

⁵ *V.C.H. Lancs.*, VI, 99, n. 2.

⁶ See below for these rents, p. 61.

⁷ *V.C.H. Lancs.*, VI, 58, n.

⁸ Land in Euxton was said in 1324 to be held of Penwortham in socage by suit at the County Court of Lancaster, and at the wapentake of Leylandshire, and by the service of a pound of cumin at Midsummer. *Lancs. Inquests*, III, 20. But see p. 77 below.

and irritating to the immediate tenants of the land. And this is probably the explanation of the writ brought against William de Ferrers in 1246, as already mentioned. The lords of Standish, Langtree (Henry de Standish), Adlington, Duxbury, and Heath Charnock demanded that William de Ferrers should acquit them of the services required for their lands by the guardian of John de Lacy's estate. They were non-suited.¹

This has been put forward as a proof that Ferrers held a mesne lordship under Penwortham.² The true reason of the complaint was no doubt the double burden laid upon the tenant, namely, thanage service to the lord of the wapentake and a rent to Penwortham. Possibly there was some service required to Banastre, the mesne military lord, as well.

For there was a somewhat similar dispute with regard to Clayton- Woods in 1313. John de Clayton, the lord, had died the previous year, and Adam, his son and heir, a minor, claimed against his guardian in chivalry and others that the manor was held by a rent of 18d., and not by knight service. The jury decided that it was held by knight service. A full statement, however, shows that it was held by military service, and the payment of sixpence yearly for sake, bode, and fode, and twelvecence for castle-guard. This 12d. was paid to the lord of Leylandshire.³

A complaint from Welch Whittle also shows how the tenants chafed against "double service." An inquest in 1324 ascertained that Ellen de Torbock owed no suit to Penwortham for her tenements in Welch Whittle. She held them of the lord of Leylandshire, that is to say, of Dame Margaret Banastre, formerly wife of Adam Banastre. When Henry de Lacy, Earl of Lincoln, was lord of the fee of Penwortham (1272-1311), his steward made coercion, and Ellen made fine with him for respite of suit, half a mark one year and 5s. another. Again, while Thomas, Earl of Lancaster, was lord of the fee of Penwortham, as of the right of Alice his wife (1311-22), his steward also made coercion, and Ellen made fine in a similar way. The Earls were seised of the suit of court in no other way than by these compulsory fines. Dame Margaret Banastre held Leylandshire in chief of the King.⁴

Returning for a moment to the rents payable to Penwortham from Standish and other vills, they seem to have some relation to the rating of these places. Standish and Langtree were rated at two ploughlands, and the rent was 2s. Duxbury and Adlington, three ploughlands, paid 3s.

¹ P. 52.

² *V.C.H. Lancs.*, VI 193, n. 8. Ferrers did hold the Marsey mesne, but more also.

³ *V.C.H. Lancs.*, VI, 29, n.

⁴ *Lancs. Inquests*, II, 167. There was a dispute concerning Adlington and Penwortham fee in 19 Henry VIII. *Ducatus Lanc.*, I, 138. The rents due from Adlington to Penwortham were still claimed in 1590; *ibid.*, III, 89, 240.

This suggests 1s. for each ploughland. Compare the castle guard for Clayton, which was, however, at a later date, payable to the hundred. The lord of Heath Charnock joined in the suit of 1246, which looks as if a rent was also claimed from that vill ; unless he was responsible for part of the Adlington rent. One wonders why the hundred rents from the places which also paid a due to Penwortham should be smaller (in Standish parish) than from those which paid no such due. Did the lord who held both Penwortham and the hundred divide the ancient services, so as to apportion some part toward the castle ? If we add 1s. each to Standish and Langtree, and 1s. 6d. each to Duxbury and Adlington, that brings the hundred rents from these places nearer to the standard of Shevington, Welch Whittle, and Charnock Richard ; but Duxbury and Heath Charnock still remain the lowest rents.¹ We sum up, therefore, by remarking that partly through post-Conquest infeudations and partly by means of coercion, Penwortham made stronger its hold upon those tenants who held of the lord of the hundred.

¹ See p. 35.

VIII. THE SERJEANTY OR BAILLIWICK OF LEYLAND HUNDRED.

It has been shown that the lordship of Leylandshire was much more than a title of courtesy given to the representatives of William de Ferrers, who purchased the office of bailiff of the hundred from Robert de Clayton in or before 1246. The bailiwick was distinguished from the lordship of the wapentake in the inquisitions. For instance, William de Ferrers of Groby, who died in 1371, had a fourth part of the wapentake of Leyland, a fourth part of the services of free tenants, and a fourth part of the bailiwick of the serjeanty of the wapentake. Richard Shireburne died in 1628 seised of the hundred, bailiwick, and view of frank pledge of Leyland.¹

The serjeanty of the hundred, however, was of itself a coveted possession ; and it may be well to review what is known of its history. Before examining specifically the bailiwick of Leylandshire it is necessary to glance briefly at the government of some of the other hundreds of Lancashire, concerning which we have more detailed knowledge. This will help us better to understand the status of the bailiff of Leyland hundred.

The suggestion is made by Stubbs that there was in Anglo-Saxon times a double government of the hundreds. He traces the existence of two officers answering to the *graf* and the *centenarius* of the Merovingian period of Frank law. The representative of the King's interest in Saxon England is the *gerefa*, who becomes after the Conquest the bailiff of the hundred ; and the representative of the freeman is the *hundredes-ealdor*, who also survives the Conquest and is found in the thirteenth century, as the elected ealdorman of the hundred, representing his hundred in the shire moot.² The government of the Lancashire hundreds, so far as it is known, supports this theory. For in the hundreds of Blackburn, Amounderness, Leyland, and West Derby, we find express mention of a King's bailiff,³ and can hardly doubt that the same office existed in other hundreds. Stubbs makes a further suggestion that when hundreds were granted into private hands this would tend to depress the status of all elected officers ;⁴ and certainly in this district we can see a tendency at work for the representative of

¹ *V.C.H. Lancs.*, VI, 2.

² Stubbs, *Const. Hist.*, 5th ed., I, 113. Compare Pollock and Maitland, *Hist. Eng. Law*, I, 557, 558.

³ *V.C.H. Lancs.*, VI, 231 ; III, 2-4.

⁴ Stubbs, *op. cit.*, I, 114.

the freemen to be replaced by a nominee of the lord. It is the lord's bailiff that we find opposed to the King's bailiff. For instance, the lord of the hundred of Blackburn complained in 1292 that the King's bailiffs had violated his privileges in certain respects. He had his own bailiff of the wapentake to make distresses and attachments.¹ Another indication of the loss of powers of representation or election is found in the complaint (1253) of the men of West Derby hundred against William de Ferrers (II) that he had illegally forced upon them a gryth-serjeant chosen by himself, whereas they had always had the liberty, by consent and advice of the sheriff, to elect a gryth-serjeant to keep the King's peace and to answer for them if it were broken.² This ancient custom perhaps reflected the state of things when West Derby hundred was held by the King. When it was granted into private hands the duties of King's bailiff and freemen's bailiff (the gryth-serjeant just described) would be distributed differently. Indeed this same William de Ferrers is stated to have obtained in 1251 a confirmation of the privilege enjoyed by Ranulf de Blundeville, of appointing his own officers for the conservation of the peace in the wapentakes of West Derby, Salford, and Leyland, whose stipends were to be paid by the inhabitants.³ It was quite natural that this privilege should give rise to disputes. In 1400 there was a King's bailiff in West Derby, and also another bailiff who appears to represent the lord rather than the freemen. He was to guard the peace of the hundred, and also to make attachments, collect the socage and fee-farm rents of the hundred, castle-guard rents, and perquisites of the wapentake courts, levy amercements and take distresses, and render an annual account of the issues of his bailiwick. This bailiff was also the chief officer of the sheriff in the hundred.⁴

The duties of the King's bailiff are given both in West Derby hundred and in Amounderness, and the two statements may be compared. In West Derby the King's bailiff accounted for the perquisites of all County courts and sheriff's tourns held within the hundred, and for wardships, reliefs, and other casual feudal issues. This was about 1400.⁵ The King's bailiff in Amounderness (who held the same office in Blackburn hundred) enumerated his duties in 1323 as follows: Making execution of mandates of the King's courts by writs and summonses, and by summons of the King's exchequer by precept of the sheriff; also of judgments for the County court of Lancaster and the wapentake court of Amounderness; making summonses, attachments and distrains by precept of the sheriff or keepers of the King's lands, and executions of the sheriff's tourns.⁶ It is evident that the

¹ *Plac. de Quo Warr.* (Rec. Com.), 382, a, b. It is, however, doubtful whether he is speaking of his fee in general.

² *V.C.H. Lancs.*, III, 4.

³ Baines, *Hist. of Lancs.* (ed. Croston), I, 48.

⁴ *V.C.H. Lancs.*, III, 2.

⁵ *Ibid.*

⁶ *Ibid.*, VII, 68-70.

King's bailiff in Amounderness did some of the tasks performed in West Derby hundred by the ordinary bailiff, and in Blackburn hundred by the lord's bailiff, as mentioned above.

The office of King's bailiff in Blackburnshire and Amounderness and also in Lonsdale hundred, was hereditary and derived from a royal grant. In the two first-named hundreds the dignity was long vested in the Singleton family, who held the manor of Little Singleton by petty serjeanty by executing this office.¹ In Lonsdale hundred a similar office was granted in 1199 to Adam, son of Orm de Kellet, who was called "serjeant in fee" in 1228.²

The master-serjeanty of West Derby wapentake was granted or confirmed to Waldeve his servant by William son of King Stephen, to hold it with land in Walton, Wavertree, and Newsham, by the service of serjeanty.³ King John confirmed this serjeanty to Gilbert, son of Waldeve, and it became hereditary in the Walton family. The County History states that this office was not the King's bailiwick, but the office of the ordinary bailiff of the wapentake.⁴ In view, however, of the dispute as to the appointment of a gryth-serjeant in 1253, mentioned above,⁵ it is evident that the office granted to Waldeve was that of King's serjeant. His representative, Richard de Walton, in 1292, claimed to be the King's bailiff of the wapentakes of West Derby and Makerfield, and the boroughs of Liverpool and Wigan, proffering in evidence the charters of William, Count of Bologne to Walter (Waldeve), and of King John to Henry son of Gilbert son of Waldeve.⁶ There were other bailiffs in this hundred of West Derby who held land by serjeanty.⁷ These particulars from the other hundreds help us to understand the serjeanty of Leylandshire with which we are now to deal.

King John, when he was Count of Mortain, granted the serjeanty of Leylandshire to Gerald de Clayton, lord of Clayton-le-Woods. This is known from the confirmation of the same dignity to Gerald in 1199 when John had become King. Gerald and his heirs are to hold it by the service which belongs to that serjeanty.⁸ The same Gerald had already received a grant of land in Penwortham from Albert Bussel, lord of Penwortham, 1164-90. The purpose of the grant was that he might be Albert's seneschal.⁹ No doubt the office was to be exercised in the barony of Penwortham (? as presiding officer at the court); but the Bussels had also Leyland manor on which the hundred depended,

¹ *Lancs. Inquests*, (Rec. Soc. Lancs. and Ches.), I, 52, 134, 160.

² *V.C.H. Lancs.*, VIII, 1-3.

³ *Ibid.*, III, 23.

⁴ *Ibid.*, 2, 3.

⁵ P. 64.

⁶ *Plac. de Quo Warr.* (Rec. Com.), 387.

⁷ *Lancs. Inquests*, I, 26, 288; *V.C.H. Lancs.*, III, 13, n. 15; cf. 14, n. 4.

15, n. 5.

⁸ *Cal. Chart. R.* (Rec. Com.), 27.

⁹ *Lancs. Inquests*, I, 33. A seneschal of Leylandshire will be mentioned later.

and possibly his duties were fulfilled in the wapentake as well. But if so, the grant by Bussel would constitute him only the lord's serjeant. The grant from John made him King's serjeant. This is suggested by the personal status of the grantor; and is abundantly proved by the following history of the office.

There are several indications that the serjeanty of the hundred of Leyland was an office of some value. Serjeanties were considered inalienable.¹ So that in 1205, when the King commanded the sheriff of Lancaster to inquire concerning serjeanties, thanages, etc., alienated from the honour of Lancaster without licence since the coronation of Henry II (1154), the serjeanty of Leylandshire was, with others, seized by the Crown. This was no doubt because John had granted it, in the first instance, before he became King.

Gerald de Clayton, now, in 1205, proffered ten marks for its restitution.² Again, when Gerald de Clayton died, his son Robert, in 1215, owed twelve and a half marks and a palfrey on succeeding to the office of bailiff of Leylandshire.³

That the bailiwick was once a possession of value is also proved by its sale. At the assizes of 1246, the jurors presented that one Robert de Clayton was keeper (*serviens custodiendi*) of the wapentake of Leylandshire in fee, and sold his office (*ballivam*) to William de Ferrers, Earl of Derby. The matter was "for report."⁴ What, then, was there of value attached to the office of the King's serjeant of Leylandshire?

William de Ferrers, Earl of Derby, having acquired the lordship of the hundred of Leyland, as described in 1232, may have been inclined to purchase the serjeanty from Clayton in order to escape the disadvantages of dual control of the hundred. Then there would be certain dues incident to the fulfilment of the office. We infer this from the account of other wapentakes. In West Derby, for 23 Richard II-1 Henry IV, the office of King's bailiff was worth £10 in farm of the bailiwick; perquisites of County Courts, £9 4s.; of tourns, 42s. 8d.; total, £21 6s. 8d. As to the office of the other bailiff, the lord's bailiff, the issues were £19 5s. 5½d.; perquisites, £20 18s. 3d.; estrays, 6s. 8d.; total, £40 10s. 4½d.⁵ This summary does not make clear how much was handed over to the King, or to the lord of the honour, and how much retained by the King's bailiff, and ordinary bailiff respectively. We may infer something as to the profits of the office from the accusations of extortion made against the sub-bailiffs.⁶ Another and earlier account is much more clear, and shows that in 1321, the King's serjeant of West Derby hundred, in addition to the lands that went with his

¹ Pollock and Maitland, *Hist. of Eng. Law*, I, 334.

² *Lancs. Inquests*, I, 1.

³ *Ibid.*, 132.

⁴ *Assize R.* (Lancs. and Chesh. Rec. Soc.), I, 65-66.

⁵ *V.C.H. Lancs.*, III, 2, n.

⁶ *Ibid.*, 2, n.; 3, n.

office, had a profit called "foldage" from cattle impounded in execution. This was at the rate of a halfpenny for each night in winter, and a farthing in summer. The office was then worth £9 13s. 4d. a year.¹ No dues of this kind can be traced in Leyland hundred in 1257 or 1288.²

Was there any endowment of land attached to this office? The bailiwick of West Derby and that of some other hundreds were endowed with land. The charter to Gerald de Clayton in 1199 does not mention any such estate; but one reference at least seems at first sight to imply a similar endowment in Leylandshire. When the King ordered that lands held of the Crown by serjeanty which had been alienated without licence before 1247³ should be seized and arrented (implying a change to military or socage tenure with services to be rendered to the Crown), William de Ferrers escaped these penalties. The return stated, "Of that land which William de Ferrers and Agnes, his wife, hold of the serjeanty of Saleford and Clayton and of Neusum nothing, because they have the King's charter and writ thereof."

The wording of this statement⁴ might suggest that the bailiwick of Leylandshire was endowed with land in Clayton, as that of West Derby was with land in Newsham. We are reminded for a moment of the grant by Albert Bussel to Gerald de Clayton that Gerald might be his seneschal. But the four oxgangs granted to Gerald, the locality of which is not specified, were probably in Penwortham.⁵ It is most likely that the serjeanty of Clayton does not mean land held in Clayton by serjeanty (although the serjeanty of Newsham implies land in Newsham), but simply signifies the serjeanty of Leylandshire which Gerald de Clayton once held.

In the earlier records we can find no explicit statement that the serjeanty of Leyland hundred was endowed with any tenement; yet at a later date we find the office closely connected with the manor of Chorley in the same hundred. For instance Henry de Ferrers of Groby, who died in 1388, was said to hold his part of Chorley of the Duke of Lancaster by the service of finding a bailiff in the King's bailiwick in Leylandshire; and in 1521, the Earl of Derby's portion of Chorley was regarded as held of the King by the service of finding a bailiff for the wapentake. The service of being bailiff was named as part of the condition of tenure also in 1629, after the death of Edward Rigby, lord of a moiety of Chorley.⁶

The early history of Chorley is very obscure. Ecclesiastically, it depended on Croston, being a discrete chapelry of that parish. Simi-

¹ *V.C.H. Lancs.*, III, 23, n.

² Pollock and Maitland, *op. cit.*, I, 334.

³ *Ibid.*, 33, 35, 36, 149, 315; *V.C.H. Lancs.*, VI, 60.

⁴ *V.C.H. Lancs.*, VI, 132.

⁵ *Lancs. Inquests*, I, 207, 268-272.

⁶ *Lancs. Inquests*, I, 23.

larly, the manor was regarded, in 1257, and later, as a member of the Croston lordship, to which an annual rent of 20s. was paid.¹ William de Ferrers (II), Earl of Derby, acquired the immediate lordship of Chorley; but in what way is not quite clear. He had a grant of free warren there in 1251.² Possibly his father got some rights in Chorley, together with the serjeanty of the wapentake, from the Clayton family; but it is not known that they held land in Chorley. The son made purchases of land in Chorley in 1251 and 1252, but the manor is not mentioned.³ By 1257 Chorley had become a borough, and was evidently the chief town in the hundred.⁴

It is not easy to say when the connection between the serjeanty of Leylandshire and the manor of Chorley began. In 1476 the lords of Leyland hundred were described as being both themselves "and their common ancestors of time that no mind is, bailiffs of the wapentake of Leylandshire, parcel of our Duchy of Lancaster, by reason of the manor of Chorley given unto one of their said ancestors for exercising the said office."⁵ That this was no mere afterthought or late and convenient theory of the position is attested by the assertion, quoted above, as to the tenure of the manor in 1388. A century earlier, in the inquest after the death of William de Ferrers (III), it is noteworthy that the issues of Chorley manor were totalled together with the rents of the free tenants of the hundred to make the extent of the liberty of the wapentake of Leyland.⁶ The office of bailiff is not expressly claimed in this inquest; but it is implied, perhaps, in the statement that the tenants of the hundred find puture for the serjeants.⁷ Either Chorley was the original endowment of the King's serjeanty of the hundred, though this is not expressly stated in the records, or at some later date the bailiwick and the manor were taken into the King's hands, and re-granted to Clayton or Ferrers, making the serjeanty the service due to the King for the manor, and at the same time reserving to the lords of Croston the accustomed rent of 20s.

From the date of the purchase of the serjeanty by William de Ferrers in the first half of the thirteenth century, the office remained in the same hands as the lordship of the hundred, nevertheless the serjeanty and the lordship are kept quite distinct. Chorley manor descended in the same way, and for a long period Bolton also. No doubt as time went on, the bailiwick was shorn of some of its feudal profits, not without some conflict between the serjeants and the free tenants. The jury of the hundred of Leyland complained in August, 1323, that, Whereas a freeman is allowed to sell his land and give or purchase it to hold of the chief lords of the fee, such vendors or pur-

¹ *LANCS. INQUESTS*, I, 207, 271.

² *CAL. CHART. R.*, 1226-57, p. 373.

³ *LANCS. FINES* (LANCS. AND CHESH. REC. SOC.), I, 112, 115.

⁴ *LANCS. INQUESTS*, I, 207.

⁵ *DUCHY OF LANC. CHANCERY ROLLS*, 51, m. 26.

⁶ *LANCS. INQUESTS*, I, 272.

⁷ *IBID.*, 270.

chasers had been distrained until they had given "entry" to the bailiffs, as well in the fee of Penwortham as in the wapentake of Eccleston, since the time that the King had released it; "as did Will le Sumpter of Will son of Henry de Standysshe, 12d., and so of all the others."¹ Evidently Will le Sumpter was a bailiff, acting for the hundred of Leyland or for the Penwortham fee, who had demanded "entry" from the vendor or purchaser of land. Had the King released the "*gressom*" or "entry" at some time when the barony of Penwortham² and the hundred of Eccleston [i.e. Leyland, so-called because the wapentake court met at Eccleston] were in his hands? More probably, the reference is to the stipulations of the statute *Quia Emptores* (1290), which the bailiffs had ignored.³

The King's serjeants of the hundred did not always fulfil the duties of the office in person. In 1348 the sheriff's accounts contain 13s. 4d. from John de Harrington and his partners, bailiffs of the wapentake, for leave to appoint a deputy.⁴ This payment was called a "deputy mark." It became annual, and can be traced down for a long period. As late as 1563 the holders of the bailiwick paid to the auditor of the Queen's Duchy of Lancaster 13s. 4d. for a deputy mark.⁵

No doubt the practice of appointing deputies and also under-bailiffs accounts for the exercise of the serjeant's office by those who did not hold by inheritance. For instance, in connection with the assizes of 1246, Henry son of Wenne was bailiff of Leylandshire; John de Farington is called bailiff of the fee of Leylandshire in 1278.⁶ Henry de Lea was bailiff in Leylandshire in 1257; but this was a special case. He was the officer of the Lord Edward, the King's son, and acted for lands in the other hundreds as well.⁷ In 1276 we find Henry de Langtree described as the King's serjeant, and also as serjeant of Leylandshire. In the case of a traveller murdered at Charnock Wood in this year, Henry had come to escort him through the pass (*per medium passum*).⁸ This suggests that it was part of the serjeant's duty to maintain the peace, as in the case of the gryth-serjeant of West Derby mentioned above. Henry was no doubt a deputy of the serjeants in fee,⁹ or bailiffs as they were more usually called in the fourteenth century and later.

¹ Assize R., 525, m. 13.

² The barony was in the King's hands because of the rebellion of Thomas, Earl of Lancaster, in 1322.

³ Pollock and Maitland, *op. cit.*, I, 337.

⁴ *V.C.H. Lancs.*, VI, 2, n.

⁵ Hawkshhead's MS. Book, Chorley Public Library, 50.

⁶ Assize R. (Rec. Soc. Lancs. and Chesh.), I, 60, 156.

⁷ *Lancs. Inquests*, I, 207.

⁸ *Cal. Misc. Inquis.*, I, 585-588; Porteus, *Hist. of Standish*, 11.

⁹ For other sub-bailiffs see pp. 82-84, 112 note (a).

IX. ANCIENT WOODLAND: HEALEY PARK IN CHORLEY.

In Leyland demesne in 1066 there was wood 2 leagues by 1, and the thanes had wood 6 leagues by 3 leagues 1 furlong. Thus there was more wood within the smaller compass of Leylandshire than in Blackburn hundred, which was a famous forest region.¹ Dr. Farrer says that the demesne wood was probably in Leyland.² If it was so, and if a league equals a mile and a half, then the wood formed a large part of the vill, 2880 acres out of 3725, which is now the area of the township. We have clear evidence, however, that Chorley contained royal forest.

Dr. Ekwall makes an interesting suggestion in discussing names from O. E. *leah*. "The common occurrence of names in *-ley* in the old forest of Pendle rather points to a meaning 'glade; forest clearing'; very likely the frequent occurrence of names in *-ley* in a district suggests an old forest district."³

A group of names in Chorley may be explained in this way: Chorley, Healey, Rough-lee, Knowley, Bagganley and Astley (adjoining Hartwood). Whittle-le-Woods, Clayton-le-Woods, and the ancient district of Gunolfsmores are in Leyland parish; the first lies between, and connects, Leyland and Chorley. There was thus a great stretch of wood from Leyland to the Bolton moors.

It was the duty of the King's serjeant of Leylandshire to collect rents due to the Crown; and there is one rent that can be traced for several centuries, namely, the issue due to the King from the park called Healey in Chorley. It is evident that Healey, a well-wooded eminence on the east side of Chorley, had been forest land, or part of the ancient demesne of Leyland hundred when the wapentake was in the hands of the King. William de Ferrers, Earl of Derby, held the forest between Ribble and Mersey as part of the fee that came to him in right of his wife, Agnes; it descended to his grandson, Robert, but after the latter's rebellion, it was granted by the King to Edmund, the King's second son, in 1266.⁴ The grant of free warren to William de Ferrers (II), in Chorley and elsewhere, in 1251, has been mentioned; and wages of the forester were accounted for in connection with

¹ *V.C.H. Lancs.*, I, 286-287.

³ *Lancs. Place-Names*, 14.

² *Ibid.*, 278.

⁴ *V.C.H. Lancs.*, II, 441.

Chorley in 1257.¹ The park at Chorley did not descend to the younger William de Ferrers (III); no wood is explicitly mentioned in the account after his death.² Probably the Gernet family had some rights in Chorley associated with their forest fee which descended to the Dacres.³ At any rate, Healey was held by Randle de Dacre in 1285, for at this date Edward I granted him free warren in his demesne lands of Healey.⁴ A rent of four marks had evidently been reserved to the Crown when the estate was given to the Dacres or their predecessors, and can be traced long afterwards when Healey was divided. There were also four burgages, perhaps within the metes of the park of Healey, for each of which a rent of 1s. was due to the Earl or to the Crown, as will be seen.⁵

In the rental of Thomas, Earl of Lancaster, for 1314, there is mentioned the rent of Sir William de Dacre, 53s. 4d., i.e. four marks, for "Helegh" Park; of the same for four burgages in Chorley, 4s.⁶

Healey was seized with his other lands by the Crown after the Earl's rebellion in 1322. In this and the following year it was reported, "Of the herbage of the park of Helay, which used to render 53s. 4d. yearly, nothing this year because it was not agisted for default of animals."⁷ Next year, 1324, the keeper of the Earl's lands answered nothing for the herbage and pannage of Healey park, and for the herbage of the wood called "le Twecheles," because the beasts of that country were destroyed by the Scots. The pasture was so wasted that none could agist the herbage.⁸ These references show that the Scots invasion of 1322 came further south than is usually appreciated, and caused damage extending over several years. In 1325 some recovery is indicated; the park had been let to farm for three years to Hugh de Standish and Roger Baret; but "of bulls and cows with their woodland issues the keeper does not answer, because they remain to be taken at the King's will." The 4s. rent had been paid for the four burgages, described as in the town of Chorley, in 1324.⁹

The immediate tenancy of the park had been sold before 1322 to Sir Robert de Holland,¹⁰ who was also involved in the rebellion of Earl Thomas. Possibly it was then divided; for while the successors of

¹ *Lancs. Inquests*, I, 207.

² *Ibid.*, 272. The 80 acres held at the will of the lord were worth 26s. 8d. This resembles the rent paid for a moiety of Healey.

³ *V.C.H. Lancs.*, VI, 162.

⁴ *Ibid.*, 140.

⁵ Possibly they are represented by Hall i' th' Wood, Higher Healey, Grey Heights and White House; but one account, given later, speaks of them as in the town of Chorley.

⁶ *Lancs. Inquests*, II, 25.

⁷ *Ibid.*, 185, n. 1, A.B.

⁸ *Ibid.*, C. The wood called Twecheles or Twichells has been erroneously located in Horwich Chace, *V.C.H. Lancs.*, V, 8. It was in Healey Park, and went with Hall i' th' Wood, Chorley. *Chorley Survey*, Lancs. and Chesh. Rec. Soc., Vol. XXXIII.

⁹ *Lancs. Inquests*, II, 184.

¹⁰ See p. 93 below.

Sir Robert de Holland were allowed to retain part at least (Maud, Lady Lovel, claimed in 1410 the park called Healey),¹ yet we find William de Chorley mentioned about 1380 as having had "the parks of Chorley and Healey" among the possessions which he lost by forfeiture for treason.² In later times Healey became much divided, the rent to the Crown being apportioned among the holders.

The collection of this rent was obligatory, as stated, on the King's serjeants of the wapentake, and went on even when the feudal issues due to the Crown from the hundred were attenuated, and represented by this rent and little more.

Perhaps it was this process of attenuation which caused Edward IV to complain in 1476 against the holders of the serjeanty that whereas John Bourghier, knight, James Harrington, knight, and Robert Shireburne, esquire, were bailiffs of the wapentake of Leylandshire, and chargeable for the levying of all farms, rents, fines, amercements, and all other duties due to the Crown within the wapentake, and to yield yearly true accounts of the same, Robert Shireburne only had accounted and paid duties on his share, a fourth part. Therefore Bourghier and Harrington, who had not of long time accounted for their share, three-fourths divided between them, were to have their part of Chorley taken into the King's hands, the bailiwick of the wapentake being theirs by reason of the manor of Chorley, given unto one of their ancestors for exercising the office of bailiff of the wapentake.³

For the year ending Michelmas, 1509, an account was headed "The King's bailiwick of Leylandshire." Thomas, Marquis of Dorset, Edward Stanley, knight, and Richard Shireburne, knight, bailiffs there in fee, answered for 4s. of the rent of four burgages and for 53s. 4d. "of the rent of Robert Holand in the park of Hethele, which his father acquired of Sir Ralph Dacre, who held the same park for such service."⁴

In 1563 the same rent of four marks was collected for Healey Park from the heirs of Peter Anderton by the lords of Leylandshire and holders of the bailiwick in fee; and, among the "rents resolute" in the same account was the item: To the Queen's Majesty for Healey, 53s. 4d.⁵

The Crosse Hall estate, in Chorley, formed by Richard Crosse about 1420, included a moiety of Healey which he had purchased. Of this part the Crosse family sold Hall i' th' Wood to William Chorley in 1561, but remained responsible for one-half of the Crown rent.⁶ The other moiety was broken up. Thus Henry Baldwin, bailiff for

¹ *V.C.H. Lancs.*, VI, 140.

² *Ibid.*, 134, and *Chorley Survey* as before.

³ Duchy of Lancs. Chancery Rolls, 51, m. 26.

⁴ Duchy of Lancs. Ministers Accounts, No. 1845; evidently quoted from an older document.

⁵ Hawkshead MS. Book in Chorley Public Library, p. 50.

⁶ *V.C.H. Lancs.*, VI, 140, 141, n. 6.

the Shireburne family in Chorley, collected the following chief rents in 1630 : Richard Crosse, esquire, for the Crosse Hall, 26s. 8d. ; William Tootell of Healey, gentleman, 17s. ; Hugh Tootell of Healey for his lands in Healey, 6s. 8d. ; William Hawkshead of Healey, 3s.¹ It will be observed that these sums added together make the ancient rent of four marks, 53s. 4d.

Under the heading " Bailiwick of Leylandshire," Henry Baldwin, bailiff there, accounted at Michaelmas, 1640, for 4s. rent of four burgages in Chorley at the terms of the Annunciation, Nativity of St. John the Baptist, and St. Michael ; and for 53s. 4d. " of the rent of Robert Holland in the park of Heathley, which the said Robert's father purchased of the lord Darcey [*sic*] who held the said park for such service to be paid at the Nativity of St. John Baptist only." ²

The rent for Healey appears also in the Shireburne rental for Chorley in 1667 : William Heald, 26s. 8d. ; Jonathan Heald, 26s. 8d.³

Thus the exercise of the office of King's bailiff in Leylandshire has been traced to the latter half of the seventeenth century.

¹ Hawkshead MS. Book, in Chorley Public Library, 47.

² Duchy of Lancs. Ministers Accounts, bdle. 116, No. 1927. This is a late mention of burgage rents in Chorley, see *V.C.H. Lancs.*, VI, 143.

³ Hawkshead MS. as before, 57.

X. THE COURT OF LEYLAND HUNDRED.

The presiding officer of the wapentake court was apparently called the seneschal in earlier times; later he is known as the steward. Robert de Anderton was seneschal of Leylandshire in 1316, and in the two following years.¹ He is also described as seneschal of Leyland, which we may take to indicate the same office, from 1315 until 1325.² Adam de Anderton, who succeeded to the Worden estate in Leyland, may have followed him as seneschal; for in 1345 he was appointed a justice for the hundred of Leyland.³ There is, however, no proof that the office of steward was hereditary in Leylandshire, as it was in Salford hundred.⁴

The stewards mentioned in later times were local gentlemen of standing. Sir Henry Farington, who acquired the Worden estate from the Andertons, occurs as "high steward of the wapentake and hundred of Leyland" about 1530.⁵

Edward Rigby of Burgh Hall, Duxbury, near Chorley, was steward in 1592. He was a justice of the peace and clerk of assize for the County (in 1590).⁶ A little later (1596) he purchased from the Earl of Derby a moiety of the lordship of Leylandshire.⁷

In 1604, Richard Assheton, gentleman, was steward of the wapentake or hundred of Leyland. "In accordance with a writ" from him, there was a presentment at the Quarter Sessions at Ormskirk that Edmund Burscough, bailiff of the wapentake of Leyland, seized a brass pot, a pewter dish, a "salt," a washing tub, and a brazen ladle, goods of William Sumner, for a debt due to William Eccleston; but Margaret Sumner of Eccleston, spinster [*sic*], wife of the debtor, rescued the same.⁸ This steward was probably the son and heir of Sir Richard Assheton of Middleton.⁹

In 1824 it was said concerning the stewards of the Lancashire hundreds, "This officer is one of the conservators of the peace who still remains such by virtue of his office."¹⁰

¹ Kuerden Fol. MS. (Chetham Library), f. 5, f. 71.

² *V.C.H. Lancs.*, VI, 12, n.

³ *Ibid.*

⁵ *Duchy Plead.* (Rec. Soc. Lancs. and Chesh.), II, 227.

⁶ *Chet. Soc.*, Vol. LXXXVII, pp. 64, vii.

⁸ *Chet. Soc.*, Vol. LXXXVII, p. 214.

¹⁰ Baines, *Directory*, I, 136.

⁴ *Ibid.*, IV, 173.

⁷ P. 97.

⁹ *Ibid.*, 215, 264.

From the president of the court we pass to its members. Who were bound to attend? Here we must recall the distinction between the greater court of the hundred called the sheriff's tourn or turn, and the more frequently held court at which the steward presided. There were two sheriff's tourns in Leylandshire in 1348¹; and the greater half-yearly court of the hundred, in a modified form, was still held in Lancashire, within a month of Easter and Michaelmas respectively, in 1824.² The tourn was disliked in 1274, as an innovation said to be introduced by the sheriff about twenty-seven years earlier.³ The smaller court of the hundred of Leyland is frequently described as meeting from three weeks to three weeks, and this, with sundry exceptions, was the usual practice throughout England, stabilised by a royal decree of 1234.⁴ "These hundreds," ran the decree, "are not those to which a general summons is issued. They need only be attended by plaintiffs and their opponents, and by those suitors who hold the pleas and make the judgments." In cases of inquests on bodies or treasure-trove or other Crown pleas, the four neighbouring vills must also come. The general rule, then, was for attendance to be demanded at the two tourns from all men in the hundred, regular clergy excepted; but sometimes a township was allowed to send four men and a reeve to answer for all.⁵ Where the system of frank-pledge was in force, the sheriff held a view of frank-pledge at the Michaelmas tourn.⁶

We have seen that the decree of 1234 limited the obligation of attendance at the three weeks' court to litigants, suitors, and dooms-men. The duty of attendance was at an early date associated with the tenure of certain lands.⁷ But were all who held land of the lord of the hundred of Leyland (rather than of a barony) bound to attend? Evidently not. In the extent of the hundred in 1288 fifteen tenants are mentioned, but only those at Thorpe and Adlington are expressly said to owe suit of court.⁸ Similarly, with other Lancashire hundreds, of which we have a detailed account in 1346, out of twenty-eight places held of West Derby wapentake only about twenty render suit of court to County and wapentake;⁹ and some of these places (Newton and Warrington) were formerly hundreds in themselves, and had many other vills as "members." At the same date, Salfordshire had only six suitors out of forty-two tenures (fractions taken together count one only);¹⁰ Amounderness ten suitors out of thirty-two;¹¹ Lonsdale hundred sixteen out of thirty-four.¹² These numbers are not to be taken as absolutely correct, for the extents are largely concerned with monies due; and there are places, as we have seen, in Leyland hundred

¹ P. 80.

² H. M. Cam, *The Hundred*, 119.

³ *Ibid.*, 119.

⁴ *Ibid.*, 17, 18, 168.

⁵ *Lancs. Inquests*, III, 90-95.

⁶ *Ibid.*, 111-117.

⁷ Baines, *Directory*, I, 136, 138.

⁸ *Ibid.*, 168-169.

⁹ *Ibid.*, 124.

¹⁰ P. 21.

¹¹ *Ibid.*, 102-108.

¹² *Ibid.*, 145-153, 133.

such as Eccleston and Euxton, which owe suit without paying rent to the hundred.¹ Nevertheless, the figures given surely establish very clearly that to be a tenant, holding of the lord of the hundred by homage and rent, does not of necessity mean to owe suit of court. Perhaps in some cases suit had been commuted for a money payment.²

There is a further question, Are the suitors and the doomsmen who pronounce judgment the same people? Does to be a suitor mean to be a doomsman? We may not have the material to furnish a definite answer. In the wapentake districts, it is said, a distinction is traceable between the two. Twelve is said to be the standard number of doomsmen in Lancashire; but the number of suitors, as we have seen, exceeds twelve in some wapentakes.³ The number of doomsmen in Leyland hundred, so far as can be ascertained, was ten, not the alleged standard, twelve (note that Amounderness in 1346 had ten suitors). Our difficulty is that in the inquisitions we can scarcely not find even as many as ten tenants who owed suit of court to the wapentake.

We now give a list of doomsmen at Leyland hundred court.⁴ It is described as a copy from an ancient book, and is dated 1563; but, as we hope to show, is based on records going back much earlier. The copy is in abbreviated Latin, and made by somebody with little knowledge of that language. In the following translation the spelling is amended:—

Doomsmen (*judices*) belonging to the aforesaid wapentake:

Firstly, the doomsman (*vir* The Duke of Lancaster.
judex) of Ulnes Walton.

The doomsman (*judex*) of Henry Banastre of the Bank.
Tarleton.

The doomsman of Little John Butler of Rawcliffe.
Hoole.

The doomsman of Hutton The Abbot of the Monastery of
Cockersand.

The doomsman of Brindle Thomas Gerard, knight.

The doomsman of Coppull The heir of John Coppull.
The heir of the Earl of Derby.

¹ P. 77.

² P. 31.

³ H. M. Cam, *The Hundred*, 172 ff. About 1323-24, six doomsmen occur incidentally in Salfordshire, those from Oldham, Middleton, Stretford, Withington, Barton, Bolton. The number (which may not be complete) happens to correspond with that of the suitors in 1346; some at least of the suitors coincide with these. Amounderness shows a general similarity in suitors and doomsmen. See *Lancs. Court Rolls*. Lanc. and Ches. Rec. Soc. *passim*.

⁴ Hawkshead MS., f. 51. Comparing the "inquirers" of 1242, when two came from Clayton, several parallels are noticeable. See above, p. 14.

The doomsman of Adlington	Hugh Adlington.
The doomsman of Eccleston	William Molineux, knight. [recte Euxton].
The doomsman of Eccleston	The heir of Lord Dacre, now the heir of Edmund Dudley, esq.
The doomsman of Bretherton	The heir of Richard Balderston, now the heir of the Earl of Derby. Alexander Osbaldeston, knight, and the heir of Thomas Radcliffe of Winmarleigh, esq. etc.

It is evident that this list is founded on an original going back to the fifteenth century, an original amended from time to time. Unles Walton was sold to Henry, Earl of Lancaster, in 1347. The Dukedom was merged in the Crown in 1413. Even if Duke was retained as title of the doomsman after that date, it cannot have been after 1551, for in this year the manor was sold by the Crown. Similarly, as regards Little Hoole, John Butler died in 1534. As for Hutton, the last Abbot of Cockersand surrendered 29th January, 1538-39. As for Coppull, John Coppull, lord of that vill, is not mentioned later than 1402. The Stanleys acquired the manor in 1461 from William Coppull. Hugh Adlington died 1556; Sir William Molineux in 1548. As for Eccleston, Lord Dacre sold his manor in 1506; while the purchaser, Henry the Seventh's ill-fated minister, Edmund Dudley, was executed in 1510. As for Bretherton, Richard Balderston died in 1456. After that his estate was divided. A moiety of it went to the Harrington family, and was confiscated and granted in 1489 to the first Earl of Derby. Thomas Radcliffe of Winmarleigh, who had another part, died in 1521; Sir Alexander Osbaldeston, who held part or all, died in 1544.¹ So much for the antiquity of the original list on which the copy is based.

Some of the places furnishing a doomsman present a problem. There is no difficulty about Adlington and Thorpe which owed suit and paid rent to the hundred in 1288; nor much about Euxton, Eccleston, and Tarleton, which owed suit without rendering money service. As to Euxton, Adam de Holland recovered 16 acres there against William de Ferrers in 1275-77; while an inquest of 1323 stated somewhat strangely that William de Holland had died holding lands there of the fee of Penwortham in socage by suit at the six weeks' court at Lancaster (the County Court) and at the three weeks' court

¹ These details are chiefly from *V.C.H. Lancs.*, VI. For John Coppull, see *Hist. of Standish*, 39.

of the wapentake, and by a rent of one pound of cummin.¹ As to Eccleston, an inquest in 1252 found that Roger Gernet held two ploughlands there of William, Earl of Ferrers, by service of the forest (Gernet was forester), and to find a judge at the County Court, and a suitor at the Earl's court [i.e. of the wapentake]. Part of this estate passed to the Dacre family mentioned above.²

As to Tarleton, the suit rendered may be traced back to about 1324, when Walter the Demand or Judge held an oxgang of land in Tarleton, doing suit to the three weeks' court of Leyland for Robert, son of Robert de Hephale (or Hepwall). This oxgang must have come to the Banastres of the Bank, who held most of the land in Tarleton.³

At Bretherton, also, the situation is easily explained. In 1288 rent and suit were both due from Thorpe, rent only from Bretherton. The rental of 1563 shows that part of Bretherton had come into the hands of the tenant of Thorpe, and that the latter name had been merged in the former. This clears up the case of the *judex* of Bretherton: he represents Walter de Thorpe, who owed suit to the wapentake in 1288.

Inquisitions are silent as to suit of court to the hundred in the four other places appearing in the list of doomsmen, though perhaps a more exhaustive search might furnish other cases or clues. As to Little Hoole, in 1256, the lord of Croston granted half a ploughland there to Richard le Boteler at a rent of half a mark, in addition to the services due to "the chief lords of the fee."⁴ In these vague words we may perhaps see some ancient reservation of suit of court to the hundred. Part of the vill of Much Hoole was, as stated above, held of the hundred in 1288 by Master Adam de Walton of the Ulnes Walton family (he was precentor of the Church of Lichfield).⁵ There may have been a redistribution of land as between Much Hoole and Little Hoole, in a rearrangement which took place in 1552.⁶ Still some difficulty remains: a rent was paid for Much Hoole in 1563 to the hundred; and at the same date a suitor or doomsman represented Little Hoole.

As to Hutton, we may find a clue to the suit of court in certain reservations when the manor passed to the canons of Cockersand. About 1201-1210, Ellis de Hutton, the vendor, stipulated that the canons were bound to do the forensic service to the King (as well as the service to Penwortham). John de Lacy, as lord of Penwortham, confirmed the sale, making the canons quit of suit of court (no doubt to Penwortham), etc., but leaving the land subject to the service due to

¹ *V.C.H. Lancs.*, VI, 18, 19.

² *Ibid.*, 162, 163.

³ *V.C.H. Lancs.*, VI, 116, 117, n. The name Doomsman is rare, but in the form of Demand is found in Lancashire, *Hist. Eng. Law*, I, 555; *Lancs. Court Rolls*, p. xv; *V.C.H. Lancs.*, III, 95, 96.

⁴ *Lancs. Fines*, I, 124.

⁵ *V.C.H. Lancs.*, VI, 108.

⁶ *Ibid.*, 154, n. 5.

the King and other dues.¹ Unless the "service to the King" is a piece of common form, the expression may hark back to the period when the hundred was a royal manor and suit and other services were due to the Crown.

Brindle, according to the inquest of 1212, was held by Robert Grelley (lord of Manchester) of the fee of Penwortham, but no service was due to that fee.² In 1320, the lord of Brindle owed suit to the court of Manchester, and was a judge there.³ No explanation of the suit to the wapentake can be given, unless it is the suggestion made in connection with the double service imposed on Adlington and other places. The original grantor of Brindle to the Grelley family probably held both Penwortham and Leyland hundred, and was unwilling (or unable for some technical reason) in granting the manor to quit claim suit of court to the wapentake.

Coppull also remains a puzzle; unless a similar explanation holds good. In 1212 Thomas de Worthington held half a fee of Manchester barony; and it afterwards transpires that Worthington and Coppull were included in the half fee.⁴ In addition to this suit to the wapentake, suit was demanded from Coppull to Penwortham court, and the village and constable of Coppull were fined 6s. 8d. for default of suit at Penwortham in 1521.⁵ Indeed, a treble burden of suit was imposed, Manchester demanded suit also; and the constables of Worthington and Coppull were fined in 1676 and later years for non-appearance at Manchester Court Leet.⁶

Is there any principle underlying this somewhat miscellaneous list of ten doomsmen? They are people of rank and standing; that may have been, in the first instance, one determining factor.⁷ Again, we notice that they represent most, if not all, of the baronies and greater fees holding land in the hundred. This representative character is found more defined in other places, for instance in Bingham hundred, Notts., twelve men had been enfeoffed to do the suit due from baronies.⁸

The ten doomsmen in 1563 are described as "judges for the day" (*judices pro die*), that is the only judges; the steward did not pronounce the doom; nor did the sheriff in the County Court, but he was sole judge in the hundred at his half-yearly tourn.⁹

The profits of the wapentake court of Leyland, as compared with other hundreds, were small; they were divided in later times among the lords of the hundred. The account given in 1257, apparently for

¹ *Cockersand Chartul.* (Chet. Soc.), II, 407-410, 412, 413.

² *Lancs. Inquests*, I, 34.

³ *Mamecestre*, Chet. Soc., II, 286.

⁴ *Lancs. Inquests*, I, 54.

⁵ *Lancs Court Rolls* (Pub. Rec. Off.), bdlc 78, No. 1021.

⁶ *Manch. Ct. Leet Rec.*, VI, 41, 51, 60, etc.

⁷ *Hist. Eng. Law*, I, 546, 552.

⁸ *Ibid.*, 557.

⁹ *Hist. Eng. Law*, I, 549-551, 560 and note.

part of the year only, states that perquisites of courts in Leylandshire came to 45s. 6d.¹ In 1288, pleas and perquisites were estimated at 40s. yearly.² These sums represented the profits due to the lord of the hundred.

On the other hand, the Crown rights are signified in a valuation of the lands of Henry, Earl of Lancaster, in 1331 and 1332, where his bailiwick of Leylandshire is said to be worth £7 10s. 5d. in the former, and £9 2s. in the latter year.³ The description does not mean that the hundred was in his hands; but that he had certain perquisites from writs, and certain rents from his own lands in Leylandshire. The sources of profit are given in more detail in 1348. Under the head of wapentake of Leylandshire, the bailiff answered for the perquisites of nine County [Courts]⁴; of the perquisites of two sheriff's turns; of the perquisites of writs; of pleas of *vetiti* [*namii*], and of some other issues, to which we shall refer later, not relating to the courts.⁵ These represented Crown services, most of which had been granted to the Earl of Lancaster,⁶ including the plea of *withernam* or *vee de naam* (*de vetito namio*) a royal plea generally rather jealously retained by the Crown, concerning unlawful distraint or unlawful retention of goods distrained.⁷

Returning to the hundred court: a fourth part was estimated in 1371 as only 2s.; and a fourth of the serjeanty as *nil*! In 1563, however, the perquisites of the "Leet and Wapentake" courts of Leylandshire were said to be, one year with another, 40s.⁸ This is the same figure as in 1288.

It has been mentioned that about 1526 Henry Farington was steward of the wapentake and hundred; at the same period, in 1521⁹ and in 1544,¹⁰ he was chief steward of Penwortham barony. This must have given rise to much confusion; possibly the steward or the bailiffs tried to combine the two courts. At any rate it has been noticed that just at this time a great many disputes arose as to suit and service due to Penwortham, and they continued when William Farington was farmer of the Penwortham lordship.¹¹ This attempt at combination or coercion perhaps accounts in some part for the long list of alleged members of the barony. In 1625 it is strange to find Croston, Coppull, and Cuerden in the list; and among the ten *judica-*

¹ *Lancs. Inquests*, I, 207. ² *Ibid.*, 272. ³ *Ibid.*, II, 237. See p. 20.

⁴ All the wapentakes in Lancashire paid for "Counties" this year. The due was probably paid by the hundred for inquests held in the County Court concerning cases arising in the hundred. Perhaps these inquests equal in status to County Courts were sometimes held in various hundreds. Compare the duties of the King's bailiff of West Derby, p. 64. See *Lancs. Inquests*, I, 277, 280-281.

⁵ *Ibid.*, III, 183. See p. 13.

⁶ *V.C.H. Lancs.*, II, 205.

⁷ Pollock and Maitland, *Hist. Eng. Law*, II, 577.

⁸ Hawkshead MS., Chorley Library.

⁹ *Lancs. Court Rolls*, p. vi.

¹⁰ *Duchy Plead.*, II, 203.

¹¹ See *Ducatus Lancs.* (Rec. Com.), *passim*.

tores Adlington appears twice ; in the first instance it is grouped with Duxbury, and in the second it is "Adlington and Bolton."¹ It was no doubt these claims upon suit and service which led Dr. W. Farrer to the conclusion that the creation of Penwortham barony "eliminated the Wapentake of Leyland, i.e. the Court, and it became merged in the baronial Court of Penwortham."² We have produced a good deal of evidence that disproves this decision, and shows the court to have continued to function.

The place of meeting is mentioned in the records. As early as 1288, and perhaps much earlier, the court of Leyland hundred was held at Eccleston, no doubt for several reasons. This place was central, and it was outside the barony of Penwortham, a fee which had some claim upon a great many townships in the hundred, so that this choice of a rendezvous would tend to avoid conflict between the two fees. The place of meeting caused the hundred or the court to be described sometimes as the wapentake of Eccleston, it is so styled in 1288,³ and as late as 1528.⁴ The situation is further defined about 1323 as the "Crosgrene" in Eccleston.⁵ The word "Cross" in local documents sometimes means, not the site of a cross, but cross-roads ; and therefore Cross Green, where the court was held, may have been Eccleston Green, near the National School. It is situated on the principal road through the village, which goes north to Preston and south to Wigan. Several other roads join this highway near the Green, which may be the Cross Gates Green (Cross Roads Green) mentioned about 1390.⁶ Hundred courts in other places were wont to meet at cross-roads, which were "marked out inevitably for such moots, as the market town is to-day for agricultural reunions."⁷ Later, at some date after 1528, the place of meeting of the court was changed to Chorley. In "the open court of the wapentake of Leylandshire" held at Chorley on the 25th September, 1592, William Fynch of Wrightington, husbandman, assaulted John Prescott ; and John Prescott, the younger, of Eccleston, husbandman, at the same time assaulted William Fynch.⁸ The court was held at Chorley also about Midsummer, 1601.⁹ In case of rain and tempest no doubt the court would retire from the open "green place" to the Church, and perhaps even the horses might have to be brought inside as was done in similar cases elsewhere.¹⁰ One method of giving notice of the holding of the court was by announcement in the

¹ *V.C.H. Lancs.*, VI, 58, n.

² *Lancs. Court Rolls*, p. v.

³ *Lancs. Inquests*, I, 270.

⁴ *Duchy of Lancs. Inq. p.m.*, VI, No. 65.

⁵ *Lancs. Inquests*, II, 107. Dods. MSS., cxxxii, 44.

⁶ Wrightington Deed, "Tingreve and Fisher Rand," Wigan Library. A green where the cross stood is also remembered, Taylor, *Ancient Crosses*, 57, 58.

⁷ H. M. Cam, *The Hundred*, 172. See also *Hist. of Engl. Law*, I, 555.

⁸ Vol. LXXVII, 64.

⁹ *Duchy of Lancs. Plead. Eliz.*, 201, B. 23.

¹⁰ H. M. Cam, *The Hundred*, 107-108.

parish Churches. We learn this from an incident which took place in 1526 or thereabouts, when the bailiff went to Standish Church for that purpose.¹ One may note for comparison that in 1511, the manor court at Eccleston was "warned in the Church on Sunday" according to custom.²

No doubt the tourn was also held at Eccleston. There is a fragmentary notice of an inquisition (the sessions of other courts are described as inquisitions) which very much resembles a sheriff's tourn. This inquisition was held at Eccleston on St. James's Day, eighteenth year of Edward (25th July, 1290), before the sheriff and a jury of twelve men, some of whom, Henry de Charnock and Hugh de Adlington, for instance, we recognise as substantial freeholders of the hundred. The township of Anderton made a presentment concerning three men, Adam, son of Alexander del Castel of Blackrod; Richard his son; and Adam, son-in-law of the said Alexander, dwelling in Billinge. Then there was a charge against Warine de Bispham that he obstructed a certain way in Bispham.³ This is the very business of a tourn.⁴ The date, however, is not the usual one for the tourn "within a month of Easter."

In later days the lords of Leylandshire claimed the "leet and the wapentake," which phrase, used in 1563,⁵ evidently denotes the greater court held twice a year, replacing the sheriff's tourn of earlier days, and the three-weeks' court. After the death of Sir Richard Shireburne in 1594, it was found that he held a moiety of the manor of Chorley, and of the hundred, bailiwick and view of frank pledge of Leylandshire; and a similar statement was made on the death of his son in 1628.⁶ How much the view of frank pledge implied is doubtful. The name *leet* came into use for the half-yearly court, where steward and dooms-men of a franchise which had the view of frank pledge and the police jurisdiction that was incident to it heard the presentment of offences and punished minor offences.⁷

The office of sub-bailiff was an uneasy one. The bailiffs of William de Ferrers, Earl of Derby, as well as their lord, were accused of transgressing the liberties and customs of the men of his three wapentakes in 1242;⁸ and the misdeeds of bailiffs are a twice-told tale.⁹ When subsidies of wool were demanded from boroughs and merchants in 1341, there is evidence that these war taxes of Edward III fell heavily on a country impoverished by raids of the Scots and other causes. Jurors

¹ P. 83.

² *V.C.H. Lancs.*, VI, 164, n.

³ Dods. MSS, cxlix, f. 41b.

⁴ Pollock and Maitland, *Hist. Eng. Law*, I, 559.

⁵ Hawkshead MS., 51.

⁶ Duchy of Lancs. Inq. p.m., xvi, 3; xxvi, 4.

⁷ Pollock and Maitland, *Hist. Eng. Law*, I, 531-532.

⁸ *V.C.H. Lancs.*, III, 3.

⁹ *Pp.* 66, 69.

affirmed that in Leyland hundred there was neither borough nor merchants to answer for these dues. Nothing was said about Chorley, not to mention Penwortham or Croston, where burgage tenure formerly existed; indeed, the statement must be received with caution, for a similar one was made about Salford hundred.¹ Nothing was paid, so that in 1342 the collectors arrested Robert de Haldeleghe, bailiff of Leylandshire, with the bailiffs of other hundreds also in default, while the collectors themselves had to appear at Westminster to account for the deficiency.²

The bailiff of Leyland hundred, Edmund Burscough of Croston, yeoman, who is also described as a bailiff of the Sheriff, was a licensed alehousekeeper in 1600.³ This reminds us of the tales of bailiffs elsewhere who held taverns and scotales, the barley being taken by coercion.⁴ Almost all the references to bailiffs in Leylandshire deal with oppressive distrains or violent rescues. In fact, bailiffs were as unpopular as their master the sheriff; and as there was a "Song against Sheriffs," so the abuses of bailiffs were pilloried in verse: ⁵

"Then here comes the bedel, a boastful tale to tell;
'Hand me out your money which is due by the green wax,
Your name is written in my writ, and that you know full well!'
More than ten times over I have to pay my tax."

Myles Bancroft of Chorley was the King's "bayle arraunte" of the hundred and wapentake of Leylandshire about the year 1526, when the life of the errant or itinerant bailiff was by no means a happy one. Witness his complaint of the troubles incurred in attempting to collect a fine of 6d., imposed by "His Majesty's court called the wapentake." The bailiff (no doubt a deputy of the hereditary serjeants) went to the house of a certain Adam Rigby upon whom the fine had been imposed; and when the payment was refused he distrained a brass pot. The owner snatched it back with many menaces. The bailiff thereupon obtained a subpoena from the Exchequer, but when he went to deliver the writ, Rigby refused it and threatened him with a dagger, and with a new pitchfork which he had made three ells long, the "greyns" whereof were sharp as a needle. On a Sunday in the following February, the bailiff went to Standish Church to give notice of the holding of the wapentake court. When he left the Church to return home, Bancroft was assaulted by Adam Rigby and his friends, who dealt him many wounds and left him for dead. There was a counter-charge that the bailiff had attacked Katherine, the wife of Adam Rigby, that he had hold of her head and was hurting her. Her friends, seeing that

¹ *Inq. Non.* (Rec. Com.); *V.C.H. Lancs.*, II, 204, 284.

² *Lancs. Inq.*, III, 96.

³ *Chet. Soc.*, Vol. LXXVII, 214, 264, 268.

⁴ H. M. Cam, *The Hundred*, 151.

⁵ *Ibid.*, 106, 160.

she was but a woman, defended her. The assailants, however, were indicted for riot before the justices, and fined. The bailiff alleged that several local gentlemen, including Ralph Standish, esq., and Roger Standish, clerk [the Rector], were the real instigators of this affray.¹

In 1604 a warrant of good behaviour was issued against John Hallywell of Wrightington; the bailiff of Leyland to be fined 20s. if it was not executed. As John, who lived at Tunley, and had kept an alehouse without licence, was called "Noute (i.e. good-for-nothing) John," it looks as if the bailiff had been too indulgent towards him.²

Those who failed to get justice, as they considered it, done to them in the hundred court, sometimes appealed to the Duchy Court at Westminster, which they believed would be more free from local prejudice. For instance in 1603, Thomas Barnes of Worthington in the parish of Standish complained to the Queen in her Duchy Court that he put his cattle to pasture on a common called Coppull Moss, as was lawful, seeing that he resided near that common; and John Haydock and others chased them away with pitchforks and other weapons, inflicting 20 marks' damage upon them. As this was done secretly without witness, he has no claim at the common law. Moreover, John Haydock, together with the bailiffs of "Chorley court," George Browne and George Waring, commenced a suit against petitioner for damage done by his beasts. So secretly was this done that petitioner knew nothing of it until judgment was given against him to recover 5s. He knowing nothing of it, the bailiffs made levy of a cow worth £4, sold the cow, and kept the residue of the money for their own use.

Haydock answers that the beasts broke into his enclosed grounds in Coppull. He quietly and without damaging them drove them to the common pound of the town of Coppull, as was lawful, and indicted the petitioner at the Quarter Sessions held in Wigan, and brought an action in the wapentake court for the hundred of Leyland held at Chorley, recovering 10s. damages against Barnes.³

The business of the hundred court is infrequently alluded to; no court rolls are known to exist. From the duties of the King's bailiff of a wapentake, and the lord's bailiff, as detailed above, some idea may be gathered of the matters dealt with, and further light comes from the sources of profit which we have given. An interesting account of the hundred court in Lancashire, as it existed in 1824, states that it was still held "from three weeks to three weeks" before the steward of the hundred or his deputy and a jury, and had concurrent jurisdiction with the County Court in certain personal actions under 40s. in value. As to the leet court of the hundred, which took the place of the sheriff's tourn of ancient days, this leet was still held in 1824 twice annually,

¹ *Duchy Plead.* (Lancs. and Chesh. Rec. Soc.), II, 226.

² *Lancs. Qrtr. Sess. Rec.*, Che. Soc., Vol. LXXVII, 191, 213, 224.

³ *Duchy of Lancs. Plead.*, Eliz., Vol. cci, No. B. 23.

as stated above. "Anterior to the statutes which have given to the sessions concurrent jurisdiction, its duties embraced every offence from eavesdropping and vagrancy to high treason; but, although contrary to several very learned dicta, every statute affecting it has preserved, and none have diminished its powers, they are seldom called into exercise except to abate nuisances, punish deficient measures, and appoint the high and petty constables, and other municipal officers. Its proceedings have two singular characteristics—the entire absence of fees and lawyers." ¹

¹ Ed. Baines, *Directory of Lancs.*, 1824, I, 138, 136.

XI. PEACE AND DEFENCE IN THE HUNDRED.

The bailiff of the hundred had the power of attachment and similar powers, and the wapentake was a court of first instance ; but by the middle of the thirteenth century wapentake and County Court had become insufficient. There was, indeed, the occasional aid of justices of assize and those with special commissions ; but the system of keepers of the peace which grew up in the century mentioned and in the next answered to a real need. Custodians of the peace were the fore-runners of justices of the peace ; just as those had been preceded by the gryth-serjeants spoken of above.¹ During the experimental stage there were sub-custodians of the peace in the hundred, William de Standish held this office in 1323.² Justices of the peace were finally established in 1360 ; and in 1362 were ordered to hold sessions four times a year. There were four justices in Leyland hundred in 1345, the same number in 1384, and nine in 1598.³ Cases from Leylandshire were heard at Ormskirk and Wigan.⁴ The officers of the justices were, in the hundred the high constable, and in the township the constable and the surveyor of highways whom the constable appointed.

The bailiff of the hundred and the constables of townships had therefore concurrent powers of arrest, etc. In recognition of this a warrant was sometimes directed to both officers. For instance, in 1518 Sir Edward Stanley, Lord Mounteagle, sheriff, addressed a warrant " to the bailiffs of Leylandshire and the constables of Wheelton and Heapey " to replevy cattle of Evan Haydock, which had been distrained and seized by Robert Haydock and Richard Marton.⁵ A later warrant, for the arrest of a Coppull Quaker in 1675, signed by two justices at Eccleston, was directed to all mayors, bailiffs, constables and sub-constables, but more especially to the constables of Coppull.⁶

Lists of the constables of the local vills are extant for 1650, etc.⁷ They were elected, and the system of " house-row," or each house in turn, was evidently in force. At Euxton the election was held in the Chapel, now Euxton Church, as appears from a certificate from those

¹ Pp. 64, 69.

² Palgrave, *Parl. Writs*, IV, 1453.

³ *Lancs., Qrtr. Sess. Rec.* (Chet. Soc., Vol. LXXVII), p. viii.

⁴ *Ibid.*, p. x.

⁵ Bailey MSS. (Chet. Lib.), bdle. 33, No. 176.

⁶ *Christian Writings of Roger Haydock*, 178-180.

⁷ Misc. Deeds, 19 Geo. II (*sic*), A.T.5 at Preston Sessions House.

whose names are subscribed, that they met in the Chapel of Euxton on 6th April last to take account of John Roscow and James Shorrock, who served as constables in the township of Euxton; and found their accounts to be right and discharged them. The meeting also had "elected and chosen to find constables for this year 1657 according to their right and time, the house of Mr. Hugh Anderton for the lower end of the towne, and Widow Stanfield for the higher end."¹ The Chorley constables were sworn and admitted before Evan Wall, steward (i.e. of the hundred), in 1650; and before Edward Robinson, esq., 1656; and Richard Standish, esq., in 1656-58.² A constable acting before being sworn was liable to a fine.³

Normally there were two high constables for each hundred.⁴ Half a century earlier (1601) William Clayton and James Stopforth were high constables of Leylandshire; Geoffrey Prescot held the office in 1604; Richard Nelson and Henry Rew (? Row) in 1606. At this period they took the oath of office at Quarter Sessions.⁵ The high constable of Leyland hundred about 1650 was Roger Haydock, he had accused Hugh Anderton of being in arms under the Earl of Derby. Anderton had apparently been constable of Euxton, and excused himself for going with the quarter-master to advise him in the distribution of quarters on the ground that every constable and bailiff in a town where the army came did the same.⁶

The high constable of the hundred was a military as well as a police officer; and from 1242 one or two constables in each village were made responsible for the assembly of the sworn men (those who had taken oath to keep the peace and aid the sheriff to the utmost of their power) when the sheriff held the view of arms.⁷ There are infrequent references in the records to these assemblies; but many instances of the maintenance of armed men by the local gentry. When Adam Banastre rebelled against Thomas, Earl of Lancaster, in 1315, the sheriff came against him with the *posse comitatus*, the body of sworn men who were the armed force of the County. It illustrates the lawlessness of the times that Walter de Strickland, acting evidently apart from the sheriff, but by the orders of the Earl and his favourite, Robert de Holland, gathered a private army of his own, numbering 300 men, and, with banners flying, marched against Banastre. Afterwards, with 2000 horse and foot, he entered the wapentake of Leyland, and there rode armed, and took (evidently from Banastre's followers,

¹ Anderton of Euxton D. Wigan Lib., bdle 17/21.

² Misc. Deeds as before.

³ *Lancs. Qrtr. Sess. Rec.* (Chet. Soc., Vol. LXXVII), 224. For a good account of the constable's duties, *ibid.*, Intro. xxx.

⁴ *Ibid.*, xxxiii.

⁵ *Qrtr. Sess. Rec.*, 95, 236, 296.

⁶ Anderton of Euxton D. Wigan Lib., 18/11. See also *Chorley. Par. Reg.*, 118.

⁷ H. M. Cam, *The Hundred*, 188-189.

but not discriminating too nicely between friend and foe), horses, oxen, cows, heifers, silver, gold, linen and wool and other goods to the value of £5000, including £20 in goods from Thomas de Langtree and goods of 9 marks value from John de Hesketh. Strickland was outlawed, but afterwards pardoned by the King.¹

From the foundation of the lord-lieutenancy of Lancashire,² the sheriff and high constables ceased to be of the same importance in military organization. The first recorded military muster under the new order of things took place in 1553. Each hundred supplied its quota, and that from Leylandshire, 170 men, was, as we might infer from the extent of the wapentake, the smallest. Derby hundred found 430, Blackburn 400, Salford and Lonsdale 350 each, Amounderness 300. To the above-named quota from Leyland hundred, the respective parishes contributed the following numbers of men (even the numbers from the townships are preserved for the most part in the record), Leyland parish, 36; Croston, with its ancient chapelries and townships, 36; Brindle parish and vill, 14; Chorley parish and vill, 9; Penwortham parish, 17; [Standish parish, 39]; total, 170. The Earl of Derby himself, and other local gentlemen, were to be the officers of the County force. In Leylandshire Sir Thomas Hesketh took a leading place. The other local officers were Edward Standish, John Fleetwood, Roger Bradshagh, John Langtree, Peter Anderton, and John Wrightington, esqs.³ These officers represented old fighting families of the hundred whose ancestors had won fame in the French wars; Standishes and an Anderton had fought at Agincourt.⁴ In 1536 John Langtree and Peter Anderton had brought 42 men, Roger Bradshagh, 20; Sir Robert Hesketh of Rufford, father of Sir Thomas, and Ralph Standish, grandfather of Edward, 130, to assist the Earl of Derby in putting down the Pilgrimage of Grace.⁵

Sir Thomas Hesketh was also to the fore in 1557 in helping to raise 100 men to serve Queen Mary against the Scots; though not able to serve personally, he and others agreed to furnish an able captain for this company.⁶ There were other musters about this time. To a levy of archers for Ireland, 1556-57, Leyland hundred sent a few men; their uniform was a dark blue cassock, faced with white, with a red cap below their metal cap, also a jerkin of stag or bull-skin; they carried bows of yew.⁷

In the troubled seventies of the same century, with enemies active and plots being hatched against Queen Elizabeth, the provision of an armed force was important. Of 4660 men mustered in Lancashire in 1574 under Henry, Earl of Derby, less than half were armed. Leyland

¹ Palgrave, *Parl. Writs*, III, 245.

² *V.C.H. Lancs.*, II, 218 *et seq.*

³ *Lancs. Lieutenancy*, Che. Soc., XLIX, Part I, 2, *et seq.*

⁴ *Hist. of Standish*, 15.

⁵ *Lett. and Pap. Hen. VIII*, Vol. XI, 511.

⁶ *V.C.H. Lancs.*, II, 200; *Lancs. Lieut.*, I, 16-17.

⁷ *Ibid.*, 23.

hundred contributed 59 able archers, furnished by the country with bows, arrows, steel caps, sword, and dagger; and 40 archers unfurnished; also 200 billmen, furnished with jack (quilted coat), sallet (scull cap), bill, sword, and dagger; and 90 bill men unfurnished. Total number of soldiers, 389.¹ The armour supplied by the hundred at this time is also recorded; also the number of soldiers each gentleman in the hundred provided, with the equipment furnished for each soldier. For instance, Sir Thomas Hesketh provided one soldier called a demilance (at this time a light horse soldier with a short lance), and two light horse soldiers, each of them with corslet, coat with plates of mail, pike, long bow and sheaf, steel cap, etc. Edward Standish found two light horsemen similarly accoutred. Altogether, the hundred sent about a dozen horse soldiers, and about 70 gentlemen contributed some sort of military equipment. The only fire-arms mentioned are the caliver and the harquebuse, both lighter than the musket. The bill men, also called halbardiers, carried a sort of battle-axe fixed in a stave. The hundred contributed to other levies for Ireland of archers, billmen, calivers, smiths and others, their uniform and equipment being frequently described. They sailed from Chester in the sixteenth century.² When Spain declared war in 1585, the County stock of arms, which had been kept at Cross Hall, near Ormskirk, the residence of the master of musters, was divided among the hundreds. The justices of peace of every hundred had to provide a convenient house for keeping the local store of armour and weapons at certain specified towns. Chorley was the chosen place for Leyland hundred, and a muster was summoned there to be held on 17th November, but the horse soldiers of the hundred were to meet at Wigan.³ Instructions were also given concerning the beacon on Rivington Pike.⁴

The Standishes of Duxbury, as well as those of Standish mentioned above, were conspicuous in military matters. In 1596, Alexander, son and heir of Thomas Standish of Duxbury, was in command of soldiers at Chester ready for service in Ireland.⁵ In the next generation (1637), Captain Ralph Standish (son of Alexander) was the muster master who trained the forces in Lancashire.⁶

¹ *Lancs. Lieu.*, I, 34-61.

³ *Ibid.*, II, 183-184.

⁵ *State Pap. Dom.*, IV, 251-253.

² *Ibid.*, *passim*.

⁴ *Ibid.*, 206-207.

⁶ *Ibid.*, XI, 507.

XII. RATES AND TAXES IN LEYLAND HUNDRED.

The imprisonment of bailiffs for failure to collect a subsidy¹ reminds us that the area of the hundred from Saxon times was a unit for taxation. The geld was levied on the hundred and divided proportionately among parishes or townships.² The constable had the task, none too pleasant, of collecting dues from the vills; and he also, like the bailiff, had to go to prison for non-payment of assessed sums.³

In 1237 a levy of one-thirtieth of the value of moveable goods brought £28 5s. 2d. from Leyland hundred, rather more than an eighteenth of the total from the County, which was £493 9s. 2d.⁴ Another subsidy, to assist Edward III in his attempt to conquer Scotland, brought in from the hundred £28 10s. 5d., a sum less than one-tenth of the total (£287 17s. 4d.) from the County.⁵ This subsidy decided the basis of rating at a fifteenth of the assessed value of goods in rural areas, and a tenth in towns; and, very soon after, the assessment for one year (1334) became stereotyped. This was the "ancient fifteenth" which remained in force for centuries. In 1334, the year that became the standard, the sum payable by Lancashire was raised to £362 19s. 5½d. About a century later (in 1431) allowances were made on specified grounds, but the standard remained the same.⁶ These deductions for woods, flooded areas, etc., may account for the discrepancies in certain statements of the fifteenth.

One account says that in 1446 the totals were as follows: West Derby hundred, £125 8s. 7d.; Salford, £48 9s. 4d.; Blackburn, £48 8s. 6d.; Amounderness, £66 17s.; Leyland, £36 10s. 4d.; Lonsdale, £50 18s. 2d.; total from the County, £376 11s. 11d.⁷ It should be observed that the tenth from boroughs was included in these sums, but Chorley and other "boroughs" in Leylandshire were no longer counted as such. Possibly this very factor, the imposition of a tenth on boroughs, caused many places to forego their prescriptive borough rights.

¹ P. 83.

² Round, *Feudal England*, 49-51, 63, 91.

³ *Qrtr. Sess. Rec.*, Chet. Soc., 140, 149.

⁴ *Lancs. Lay Subs.*, Rec. Soc. Lancs. and Chesh., p. 50.

⁵ *Exchequer Lay Sub. Rolls*, 1332, pp. 53, 102; in *Misc.*, ii, Rec. Soc. Lancs. and Chesh., Vol. XXXI.

⁶ See *Taxation in Salford Hundred* (Chet. Soc., Vol. LXXXIII), p. xxii-xxii.

⁷ *Lancs. Lieut.*, Chet. Soc., Vol. XLIX, 79.

Another statement, relating to 1569-70, gives Leyland hundred fifteenth as £36 10s. 4d., subject to a deduction of £5 17s. 8d., so that the sum payable was £30 12s. 8d. At the same time, the Lancashire total was said to be £376 11s. 11d.; deduction, £71 7s. 3d.; payable, £305 4s. 8d.¹

Again, it is asserted that about 1576 the fifteenth, the "old and high rate," of Leyland hundred was £36 19s. 6d., and the Lancashire total £371 10s. 5d.; but there seems some doubt about these figures.²

Professor Tait says that at some date before 1583 the total from the County was reduced to £329 16s. 4d., and that this figure remained as long as fifteenths were in use.³ The reduced proportion for Leyland hundred was, as in 1569-70, £30 12s. 10d. This is the assessment we find in force in 1716, for which year a list of the assessments on the townships of the hundred has been preserved. Deductions were certainly made at this time, though the reasons are not specified. We can understand why a moorland township like Withnell should pay little; but why was Wroughton the most heavily assessed township in the hundred, and Longton the next highest, or why should Euxton alone pay more than Chorley with Bispham rated jointly? ⁴ The extra levies on Roman Catholics are sometimes the explanation.

The fifteenth being a fixed rate, and the quota from every township known, it was found convenient to use it for local purposes. Churchwardens' accounts, as e.g. those at Standish, show that the parish annually decided on so many fifteenths to be levied for Church purposes in the seventeenth and eighteenth centuries. It was, however, felt to be unfair in some cases, and local attempts were made at reform. Thus, the mise layers in Chorley levied a fifteenth in 1639 (which was collected by Richard Haydock, constable) for the setting out (equipment) of William Helme, a pressed soldier; but it is stated that assessments have been made, not by fifteenth, but by "pound rate" for the most part since 1634 (*recte* 1654).⁵ The ley book of a quarterly assessment in 1654 states the basis of this new rate. Twenty shillings rent or yearly value of land was taken to be equal to twenty pounds in money, stock, or personal estate. In estimating the number of acres belonging to a man, the mise layers deducted for coarse or woody ground so many acres as might make the rest to be esteemed arable, and rated each acre at 3 $\frac{3}{4}$ d.; the account is therefore given in acres, woodland, barren, and arable.⁶

The Ox Ley, described by Professor Tait, as an "irritating feudal impost," was originally a commutation for provision of oxen for the

¹ *Lancs. Lieue.*, Chet. Soc., Vol. XLIX, 27.

² *Ibid.*, 78.

³ *Taxation in Salford Hundred*, p. xxii.

⁴ Gregson, *Fragments*, ed. Harland, pp. 3, 19.

⁵ Hawkshead MS., Chorley Library, 35.

⁶ *Ibid.*, 37.

royal household.¹ A fresh agreement concerning Ox money was made in 1584 at a meeting of justices, several of these, Robert Charnock, Edward Standish and others, being justices in Leyland hundred. The apportionments towards £100 levied on the County were to be : West Derby hundred, £26 ; Leyland, £8 ; Salford, Amounderness, Blackburn, and Lonsdale each paying £16 10s.² Some changes were made later, but Leyland paid the same.³ £16 was paid in the reign of Charles I, perhaps for biennial collections.⁴

A weekly taxation for the relief of maimed soldiers and prisoners in the Marshalsea, imposed in 1600, was levied on the hundreds in this way : Derby, 3s. 9d. ; Lonsdale, 3s. 8d. ; Salford, 3s. 6d. ; Amounderness, 2s. 8d. ; Blackburn, 1s. 8d. ; Leyland, 1s. 6d. In Leyland hundred, Standish, Croston, and Leyland parishes paid 4d. each ; Eccleston, Penwortham, and Chorley with Brindle, 2d. each.⁵ There was also a ley for prisoners in Lancaster goal.⁶

The County ley drawn up in 1624 was believed to be more equitable than the old fifteenth. It was sometimes called the soldiers' ley, as it was used for mustering, training, and furnishing soldiers or trained bands, repairing bridges, etc. From this time the fifteenth and Ox money assessments were to be limited to these purposes in the County unless otherwise ordered. The new County ley, in making £100 from Lancashire, levied on Derby hundred, £24 ; Amounderness, £19 ; Blackburn, £18 ; Lonsdale, £16 ; Salford, £14 ; Leyland, £9. As compared with the fifteenth, this meant a reduction in West Derby hundred, and an increase in Leyland hundred.⁷ All sums taxed on the hundred of Leyland were to be divided into eighteen parts, of which Leyland, Croston and Standish paid each four parts ; Penwortham and Eccleston each two parts ; Chorley and Brindle each one part.⁸

These dues mentioned above were the chief rates and taxes collected by the constable ; and the new assessments made from time to time as recorded may afford some slight evidence of the relative wealth of the hundred.

¹ *Taxation in Salford Hundred*, p. xxx.

² Gregson, *Fragments*, ed. Harland, 20.

⁴ *Standish Deeds*, ed. Earwaker, cccxvi.

⁶ *Ibid.*

⁷ *Ibid.*, 3, 21, 22.

³ *Ibid.*, 14.

⁵ Gregson, 20, 21.

⁸ *Ibid.*, 17.

XIII. THE DESCENT OF THE LORDSHIP OF LEYLANDSHIRE.

Evidence has been adduced above to prove that the liberty of the wapentake did not pass with that of West Derby to the Earls of Lancaster and to the Duchy, as erroneously stated; ¹ but that it was in the hands of William de Ferrers, ancestor of the Ferrers family of Groby, whose heir was his son, William, 18 years of age in 1288. ²

The lordship of the hundred descended with Chorley, the serjeanty of the wapentake passing in the same way. The younger William de Ferrers, sold or mortgaged his lands, etc., between Ribble and Mersey in 1296 to Richard de Lothburg or Loughteburgh, who was to pay 1 mark rent after eleven years. ³ Richard apparently made over his right to Henry de Lacy, Earl of Lincoln. The latter gave Bolton, Chorley, and the wapentake of Leyland, to Robert de Hepwall and Margaret his wife, because of Robert's praiseworthy service. ⁴ The grant was intended for Margaret as the subsequent history indicates. One William de Ferrers (erroneously described as Earl of Derby) is stated to have joined with the Earl of Lincoln in making the grant. ⁵ At the inquest after Hepwall's death these manors and the wapentake were found to be held of the honour of West Derby in free socage by the service of one sparrow-hawk. ⁶ Margaret, his wife, was a sister of Robert de Holland, the favourite of Thomas, Earl of Lancaster. Margaret was thrice married. Her first husband was Sir John de Blackburn of Wiswell, by whom she had three daughters, Alice, Agnes, and Joan. Secondly, she married Robert de Hepwall, who was seneschal of Clitheroe. He was probably a widower, with one son at least by a former wife. Robert de Hepwall and Margaret, his wife, are mentioned in 1302.

Margaret's third husband was Sir Adam Banastre, the insurgent in 1315, by whom she had one daughter, Katherine. ⁷ It imparted a

¹ *V.C.H. Lancs.*, VI, 1. The overlordship, of course, descended in that way.

² *Lancs. Inquests*, I, 272. For the lordship before this date, see pp. 12-23.

³ Kuerden MSS., IV, C. 11. Richard de Loughteburgh appears as chief lord in Chorley, 1299-1301. Astley Deeds at Cuerden, Nos. 14, 15, 47, etc.

⁴ Kuerden MSS., IV, C. 10; Coll. of Arms. See Baines, *Lancs.*, ed. Croston, IV, 144. The date, however, should be about 1302.

⁵ Deeds in the *Chorley Survey*, Rec. Soc. Lancs. and Chesh., Vol. XXXIII, p. 3.

⁶ *Ibid.* This is explained by the fact that they were granted by Robert de Ferrers, lord of West Derby, to his brother; *V.C.H. Lancs.*, V, 246, n. 39; cf. III, 3.

⁷ *V.C.H. Lancs.*, VI, 131, 397. Porteus, *Hist. of Standish*, 12-14.

tragic touch to the rising of 1315, that Margaret's husband should be the leader of the rebellion, and her brother the *bête noire* of the insurgents; for Holland's rapid promotion helped to provoke the disturbance.¹

Robert de Hepwall's heir in 1304 was his son, Robert,² who held, probably in farm from his step-mother, part of the inheritance. In 1323 he had the manors of Eccleston, Bispham, Chorley, Thorpe, Hesketh-with-Becconsall, Tarleton, Little Hoole, Much Hoole, Cuerden, and the wapentake court of Leylandshire, held from three weeks to three weeks at the Cross Green in Eccleston. He did no service therefor, but his tenant at Tarleton had to do suit at the wapentake and the County Court.³ He had some interest in Chorley, etc., until about 1329,⁴ when his step-mother, Dame Banastre, died, and possibly for a longer period. Indeed, a Henry de Hepwall appears much later in the story of the wapentake. But, as indicated, the hundred of Leyland and the King's serjeanty were really the possessions of Dame Margaret Banastre, for they were divided, after her death, among her daughters. Moreover, during her own life, in spite of the statement just made concerning her step-son, she was recognized, e.g. in 1324 and 1325 as "lord of Leylandshire."⁵ She did not hold without challenge the lordships granted to her and to her second husband. Before her death Henry de Ferrers, son and heir of William, made claim to part or all of these possessions; and in 1330 he continued his suit against her heirs, the four daughters already mentioned. By this time, Katherine had married Sir John de Harrington, junior. Sir Robert de Shireburne was the husband of Alice. Agnes had married Sir Henry de Lea, and after his death had married Robert de Hornclyff. Joan was wife of Thomas (or Robert) de Arderne.⁶ These each held one-fourth of Chorley, and presumably one-fourth of the wapentake of Leyland.

If it seem strange to us that Leyland hundred was shared out in this way, we may find some comfort in the fact that other hundreds were in like case. In Kent, for instance, twenty-three of the seventy hundreds had two lords, two had three lords, and two had four. Miss Cam truly says that the division of lordship meant division of profits, and some agreement about the appointment of a bailiff.⁷ We know from the accounts of the bailiff or collector, that in 1563 he collected all the free rents in Leyland hundred, and divided the profits among

¹ *V.C.H. Lancs.*, II, 198. Correct the account of Banastre's marriage in note 202. Sir Henry de Lea was not his brother-in-law, but his step-son-in-law; he had married a daughter of Banastre's wife by a former husband; *V.C.H. Lancs.*, VI, 131, n.

² *Cal. Gen.*, II, 655.

³ *Lancs. Inquests*, II, 106. This statement, from Gregson, is perhaps erroneously abstracted from some original document. See above, p. 78.

⁴ *V.C.H. Lancs.*, VI, 131, n. 13.

⁵ *Lancs. Inquests*, II, 167; III, 22.

⁶ *V.C.H. Lancs.*, VI, 131, 276 and notes 9 and 14, 277, 397.

⁷ H. M. Cam, *The Hundred*, 141. See note (a), p. 112.

the (then) three lords ; one receiving a half, and the other two a quarter each of the total. Nothing is said about his commission, perhaps he had his reward in house or land. The divisions of Leyland hundred tended to come together, the quarters to fuse into a moiety by purchase, until at last the two moieties were combined, and it ended, as it began, a unity. It must be admitted that the names of the lords, as we find them in the records, are confusing at various periods. We find it difficult to identify the fractions unless we remember that one might hold somebody's share by mortgage or lease. For instance, the Ferrers portion, when they regained it, was leased to John de Arderne, as we shall see. The lease expired in 1392, and apparently before that time was up, before 1388, another lease was granted to John de Aldeleme (Audlem), Katherine his wife, and John his son.¹ The arms of the Audlem family (three boars' heads couped) are roughly carved on two of the buttresses of the early fifteenth century tower of Chorley Church.

After the Ferrers fully regained a moiety (1392), there were never more than three lords, but a widow might hold, or a widower. For instance, the lords of the hundred in 1445 were William de Ferrers of Groby, knight, "now deceased," Margaret, widow of William de Harrington, knight, and Robert de Shireburne.² In 1476 they were John Bourghier, knight, James Harrington, knight, and Robert Shireburne, holding respectively three-eighths, three-eighths, and one-fourth.³ Sir John Bourghier held for life only, as second husband of Lady Elizabeth Ferrers ; he died in 1495.⁴ In 1507, Sir Edward Stanley, Sir Richard Shireburne, and Lady le Strange were the lords.⁵ In 1538, the Earl of Derby, Richard Shireburne, and Lord Mouteagle held the hundred.⁶ As stated above, the lords in 1563 were the Earl of Derby, holding two fourth parts, Sir Richard Shireburne, one-fourth, Lord Mouteagle, one-fourth. When these two last-mentioned fourths were joined, as we shall describe, in 1574, the hundred was held in moieties until 1825, when it was unified.

With these cautions as to lessees and tenants for life in mind, we may now retrace our steps a little to the period of Dame Banastre's death, when, the lordship of the hundred was divided among her daughters. The history of the four shares may be briefly stated. That of Katherine passed from the Harringtons to Sir Edward Stanley, Lord Mouteagle, who distinguished himself at Flodden Field, and was sold in 1574 to Sir Richard Shireburne, who already held a fourth by inheritance.⁷

The share of Alice (perhaps already augmented somewhat) became a

¹ *V.C.H. Lancs.*, VI, 132.

² Town, MSS., D.D., 1479.

³ Duchy of Lancs. Chancery Rolls, No. 51, m. 26.

⁴ *G.E.C. Complete Peerage*, V, 635.

⁵ *V.C.H. Lancs.*, VI, 195.

⁶ *Ibid.*

⁷ *Ibid.*, 132. See note (b), p. 112.

moiety, as explained, in 1574, and this Shireburne inheritance passed to the Weld family of Lulworth.¹ In 1718, Thomas, Duke of Norfolk, and Mary his wife (daughter of Sir Nicholas Shireburne), registered their estate at Chorley, with lands, houses, and chief rents and free rents out of the manor, and incroachment rents within and without the town, the latter rents being payable to them in alternate years.² Edward Weld made a similar registration in 1763.³ Fourteen years later Thomas Weld held the hundred of Leyland; i.e. a moiety thereof.⁴ Thomas Gillibrand, who already had a moiety, purchased the Weld share of Chorley, negotiations being commenced in 1811 and completed in 1825.⁵ We shall refer shortly to the sale of the whole manor of Chorley.

The fourth part of Chorley and Leyland hundred belonging to Agnes de Lea was settled by her partly on John, son of Thomas Arderne (1335), partly on Sir Thomas Arderne (1339),⁶ and partly on her sister, Alice de Shireburne, for the two last-named were her heirs in 1354.⁷ For the most part it became merged in the share we are about to mention.

The remaining fourth part of the hundred belonged to Joan, who married a member of the Arderne family of Rothley, Leicestershire, and was held in turn by her two sons, Thomas and John. The former, Sir Thomas de Arderne, forfeited his estates in 1347 because of his share in the famous wife-stealing case; as a supporter of John de Dalton, he had aided in the abduction of Margery de la Beche from a manor-house at which the King's son, Leonard, was staying.⁸ He was said to hold a moiety of Chorley in 1353,⁹ and certainly had land there in 1360.¹⁰ He was pardoned in 1350,¹¹ but may have lost some part of his local estates. Joan, his daughter, settled some of her Lancashire lands on her uncle, John de Arderne.¹² We have already mentioned John de Arderne as grantee of part at least of the original portion of Agnes de Lea; evidently the share given by Agnes to Sir Thomas de Arderne did not descend to this brother, John. Either he lost it at the time of his forfeiture, and it was granted to William de Chorley,¹³ who forfeited it, so that it came by direct grant of the Crown or the Duke of Lancaster to the Ferrers family; or else the latter family acquired it by grant from the Ardernes. At any rate, before 1392, John de Arderne

¹ *V.C.H. Lancs.*, VI and VII, 6, 7.

² Reg. of R.C. Estates at Preston, Roll 7, No. 796.

³ *Ibid.* Another entry.

⁴ Pal. of Lancs. Plea Roll 625, m. 10d. (16), 40.

⁵ Weld Deed in Mr. Stanton's possession.

⁶ *V.C.H. Lancs.*, VI, 276, n.

⁸ *Lancs. Inquests*, III, 165, 166.

⁹ *V.C.H. Lancs.*, VI, 131, notes 15, 18.

¹⁰ *Dep. Keeper's Rep.*, XXXII, App. 347.

¹¹ *Cal. Close*, 1348-50, p. 467.

¹² *V.C.H. Lancs.*, VI, 276.

⁷ *Ibid.*, 131, n. 18.

¹³ Pp. 72, 97.

held part of Chorley by a lease for life from the Ferrers family, and part in his own right, the reversion of which, after his death, he had sold to the Ferrers.¹ The brief tenure of some fraction by William de Chorley, we shall refer to below. Meanwhile, it should be noted that at the death of John de Arderne in 1392 the interest of that family in Chorley and the hundred of Leyland came to an end, and the shares of the sisters Agnes and Joan came largely, if not in a complete moiety of the estate, to the Ferrers. Thus, after much litigation, the family regained part of their ancient inheritance; and Sir William de Ferrers, who died in 1371, held in possession (but leased to the Ardernes) and in reversion a moiety of Chorley.²

In 1445 the Ferrers' share belonged to Sir Edward Grey in right of his wife, Elizabeth de Ferrers. On the forfeiture of Thomas Grey, Marquess of Dorset, in 1484, it was retained in the hands of the Crown apparently for a short time.³ Nevertheless, in 1484, the unfortunate Marquess had made a grant of the manor to Sir George Stanley,⁴ and the Crown granted it to Thomas, Lord Stanley, and his son, Lord Strange.⁵ The Stanleys sold some lands to John Gillibrand, as we shall see; but the manor of Chorley itself, or rather the moiety of it, was sold by the Earl of Derby to Edward Rigby of Burgh in 1596.⁶ The purchasers of the Burgh and Layton estates from the Rigby family (Rev. John Pearson and Nicholas Woosey) sold this moiety to John Gillibrand in 1731.⁷ Before discussing the Gillibrand estate, we return for a moment to the temporary tenure of part of the manor by William de Chorley about 1380.

Chorley had long given a name to a local family, but in the fourteenth century a certain William de Chorley comes into prominence. We have alluded to the forfeiture of Sir Thomas de Arderne in 1347; and it was probably by this means that William de Chorley came to possess a part of their lands. He was tenant of Hartwood, for instance, and Hartwoodhey certainly had belonged to Sir Thomas de Arderne.⁸ William de Chorley was eschaetor to the King in 1370.⁹ Four years later a charge of extortion was brought against him.¹⁰ For this or some other default, the man whom we think to have held forfeited lands himself incurred forfeiture. He had received a licence for an oratory in his mansion house at Chorley in 1366;¹¹ and about the

¹ *V.C.H. Lancs.*, VI, 2, 132, 276.

² *Ibid.*

³ *Ibid.*, 132.

⁴ Schedule of Chorley Deeds in Author's possession.

⁵ *Cal. Pat.*, 1476-85, p. 476. Sir G. Stanley, Lord Strange, predeceased his father.

⁶ As in note 4.

⁷ The grant included the Hundred Courts, etc., Deed at Chorley.

⁸ *Chorley Survey* (see note p. 84 below), Rigby's on Hartwood Green; *V.C.H. Lancs.*, VI, 140. Hartwood Hall was an old name for Chorley Hall, according to Baines, *Lancs.* (ed. Croston), IV, 150. But perhaps Hartwood was divided.

⁹ *Furness Coucher*, Chet. Soc., vol. 9, 66, 168; vol. 74, 206, 209.

¹⁰ *Coram Reg. Rolls*, 455, Rex m. 2.

¹¹ *V.C.H. Lancs.*, VI, 134.

same time he had a grant from John of Gaunt of the manors of Eccleston, Leyland, and Ulnes Walton ;¹ also of a farm of a fishery in the Ribble.² He must have had a grant also in Chorley, as he held the parks of Healey and Chorley, and they were Duchy lands.

About 1381 he was dwelling out of the Duchy,³ and it was at this period that he had a grant of the hall of Chorley and other lands from Henry de Hepwall and Lord Bouchier (evidently in heritage and fee), at a rent of 21s. 1d. The grantors speak of him as having been lord of Chorley [i.e. of some fraction] and of having had the parks of Chorley and Healey, the manors of Chorley and Heath Charnock, and the wapentake of Leylandshire. They were apparently regranteeing him, for a consideration, as tenant of the manor, part of the land he had held as lord.

They also say that he was attainted, and through his attainder they received his estates.⁴ However this came to pass, whether they claimed as mesne lords or by grant of the Crown, they did not retain their hold for long.⁵ They soon pass out of the story, and must have made over their right in any fraction of the lordship which they held to the Shireburne family, for the rent of 21s. 1d. belonged to the Shireburne share of the manor of Chorley. In the seventeenth century, about 1662, William Chorley stated with reference to the grant mentioned above, that the same lands, etc., were still held in free socage by the aforesaid rent at St. Martin's due to Mr. Shireburne as lord of Leylandshire.⁶

The lordship of William de Chorley, and of Hepwall and Bouchier, may be regarded as an episode only in the story of the Arderne portion. We must refer now to the rise of the Gillibrand family, who secured this share; and, after the lapse of ninety-four years, acquired the other moiety also. They and their representatives retained the lordship of the hundred as a unity (excepting for a family division of the profits) for another fifty years.

We have traced the combined shares of Joan and Alice, daughters of Dame Banastre to the Arderne, Ferrers, Stanley, and Rigby families successively, and mentioned the sale to John Gillibrand in 1731.

¹ *V.C.H. Lancs.*, VI, 109, n. 8.

² *John of Gaunt's Reg.* (Roy. Hist. Soc.), II, 103.

³ *Dep. Keeper's Rep.*, XL, App. 521-522.

⁴ *Chorley Survey*, Vol. XXXIII, Lancs. and Chesh. Rec. Soc. Deeds also in Kuerden MS., IV, C. 11.

⁵ Bouchier Ridings, a field, went with Hall i' th' Wood, Healey, in the Chorley Survey. A wood named Twitchells on the same estate belonged to the Earl of Lancaster in 1323. *Lancs. Inquests*, II, 185, n.

⁶ *Chorley Survey*, as before. The same sum, 21s. 1d., appears in the Shireburne Rental for 1669 in two parts, 15s. 5d. for the ancient demesnes of the Hall of Chorley; 5s. 8d. for Rigby's on Hartwood Green, formerly part of Chorley Hall demesne. *Hawkshead MS.*, p. 58. The Hall where the Chorley family resided, more correctly known as Chorley Higher Hall, was demolished in 1817.

Long before this, the Gillibrand family were tenants in Chorley; and in 1583 John Gillibrand as the favourite of Henry, Earl of Derby, obtained from him a lease of the Hall of Chorley and lands there, for the lives of the said John, Jane his wife, and Thomas his son.¹ The Hall in question was Lower Chorley Hall (afterwards Gillibrand Hall). In 1597, a year after Edward Rigby's purchase of the Stanley moiety, he sold Chorley Hall outright to John Gillibrand.² This accounts for the mention of a manor of Chorley Hall, meaning only the manor-house and lands (unless a lease of manorial rights had been granted) among the estates of Thomas Gillibrand, who was accused of high treason by the Commonwealth government in 1653.³ The forfeited lands were bought back into the Gillibrand family, but no manor was claimed when the estates were registered in 1718.⁴ They acquired the Rigby moiety, as described, when the Burgh and Layton estates were parcelled out in 1731. Accordingly the moiety of the manor is mentioned in John Gillibrand's will in 1732,⁵ and Thomas Gillibrand in 1779 registered his estate in a moiety of the manor or lordship of Chorley with its rights, members and appurtenances, including Chorley Hall and other messuages, and chief rents and quit rents out of lands in Chorley or thereabouts.⁶ After the purchase of the Shireburne or Weld moiety in 1825, the Gillibrands were now in sole possession of the lordship of Chorley manor and Leyland hundred. Their rights descended to the Fazackerleys and Westbys.⁷ From their representatives the Chorley Commissioners bought in 1874 the manor of Chorley and other local rights, the lordship of the hundred being probably included, though not expressly mentioned in the conveyance. By a deed dated 28th April, 1874, J. T. Fazackerley Westby of Mowbreck Hall, and others, sold to the Chorley Commissioners the market-place of Chorley with all rights and privileges of holding markets and fairs in Chorley, and taking tolls, stallages, etc., and all rights incident, belonging, or appertaining to the manor of Chorley.⁸

¹ Chorley Deeds Schedule, p. 5.

² Ibid.

³ *Roy. Comp. Papers*, Rec. Soc. Lancs. and Chesh., III, 71.

⁴ Reg. of R.C. Estates at Preston.

⁵ Piccope MSS. (Che. Lib.), III, 246.

⁶ Reg. of R.C. Estates at Preston.

⁷ *V.C.H. Lancs.*, VI, 133.

⁸ Deed at Chorley Town Hall.

XIV. THE RURAL DEANERY OF LEYLAND.

“Diocese and archdeaconry may change, but the deanery goes on”: so we may express the antiquity of Leyland Rural Deanery as compared with the larger spheres of ecclesiastical organization in which it is contained; the deanery is much older than they. Its bounds, so far as the records go, have always been coincident with Leyland hundred.¹

The future South Lancashire, the land between Ribble and Mersey, was taken from Northumbria by King Alfred's son Edward, or by the latter's son Athelstan, and being attached to Mercia, was placed in the Mercian diocese of Lichfield. In the thirteenth century we find Leyland deanery in that diocese, and in the archdeaconry of Chester. This latter unit, Chester archdeaconry, was a new territorial division which arose soon after the Norman Conquest. “Hitherto,” says Professor Tait, “the bishops had needed but one ‘eye’; but now almost every county was provided with its archdeacon.”² The land between the two rivers mentioned, together with Cheshire, formed the sphere of the archdeacon of Chester. The see of Lichfield had been temporarily removed to Chester about this time; but Chester was actually made a diocese in 1541, of which Chester archdeaconry naturally formed a part. In 1847 the see of Manchester was created; and Leyland deanery was included in the new archdeaconry of Manchester. Blackburn archdeaconry was formed in 1877, wherein the deanery was placed and still remains. This last-named archdeaconry was included in the new diocese of Blackburn in 1926.

There is the mention of a priest in Leyland hundred in 1086.³ We must not conclude that he was the only one, or that the Church organization of the district was in an elementary stage. He is expressly mentioned because he was a tenant of land; and it is uncertain whether he held in the vill of Leyland or elsewhere in the hundred. It is natural to think that Leyland was the mother Church of the deanery, but not certain; for Salford, although it gave a name to a hundred, was only a chapelry (or even a township without a chapel) in Manchester parish. Returning to our own hundred, a suggestion has been made

¹ Physically, Wigan seems to belong to Leyland hundred and deanery. See Porteus, *Hist. of Standish*, 2, 118-120, 130, 133-134.

² *V.C.H. Lancs.*, II, 4, 8-9.

³ P. 9.

that Croston may have been the mother Church.¹ It was certainly the largest parish, and mother of several chapels which attained higher status in later days.² Moreover, the name "Cross-town" (probably Scandinavian, says Ekwall) seems to have had significance in early times; but the name Eccleston, i.e. Church-town (probably from a British form of the Latin *ecclesia*, according to Ekwall) also is significant; and Eccleston alone remained absolutely independent of Penwortham barony.³ We are not bound to believe that one Church was the oldest of all; perhaps several places in the hundred were evangelized or built Churches simultaneously.

Though local Churches are not mentioned in Domesday Book, it is evident that they existed; for, eight years after the survey, i.e. in 1094, Croston and a moiety of Eccleston were given by Roger de Poitou to the abbey of St. Martin at Sées in Normandy, in order to form a priory at Lancaster as a cell of that house.⁴ Other early gifts of a like kind were Penwortham Church (for a priory there) to Evesham Abbey by Warine Bussel, between 1140 and 1149; and Leyland to the same house between 1153 and 1160.⁵ The other ancient Churches were Brindle and Standish. A rector of Brindle is mentioned about 1190;⁶ and there was a dispute about Standish advowson in 1205.⁷

Standish Church is the only one the advowson of which is said to be held of the lord of Leyland hundred.⁸ That in itself appears to be no conclusive evidence of antiquity (Standish has other proof of antiquity); as the advowsons of religious houses which were built after the Conquest are described as held of another wapentake. The principle is, apparently, that the tenure of the advowson goes with the land on which the Church or monastery is built.⁹

The first definite mention of Leyland deanery is in 1291, when it was one of four deaneries in the archdeaconry of Chester, within the diocese of Coventry and Lichfield. The deanery was then said to contain the five parishes of Croston, Eccleston, Leyland, Penwortham, Standish. The sixth parish, Brindle, is not mentioned, but we have shown that it already existed. No doubt for some reason it was not assessed. The five rectories named were valued respectively in the order given, at £33 6s. 8d.; £12; £10; £20; £13 6s. 8d.¹⁰ Comparative valuations are available at various later periods.¹¹

Although the deanery is not named until 1291, business relating

¹ *V.C.H. Lancs.*, II, 6, n. The rector of Croston in 1317 claimed Eccleston as a "chapel" dependent on Croston; his claim was rejected; *Lanc. Church, Chet. Soc.*, II, 441.

² For areas, see p. 2 above.

⁴ *Lancs. Pipe R.*, 289-290.

⁶ *Whalley Coucher*, I, 296.

⁸ *P.* 21.

¹⁰ *Tax. Pope Nich.* (Rec. Com.), 249.

¹¹ *V.C.H. Lancs.*, VI, 86, 159, 6, 55, 187.

³ *V.C.H. Lancs.*, VI, 155.

⁵ *Ibid.*, 320-325.

⁷ *Hist. of Standish*, 82. See below.

⁹ *Lancs. Inquests*, III, 94, 95.

to one of the Churches was transacted at a chapter meeting at a much earlier date. The chapter, however, was held at Warrington, itself the seat of a rural deanery. We propose to mention the chapter and its members, then to discuss the inferences, if any, which may be safely drawn from the proceedings.

"In the chapter at Warrington, in the presence of R. de Stanedis, then dean, Thomas chaplain of Chester, Maurice de Birkheuthé, R. parson of Walton, R. parson of Winwick, Will. parson of Leyland, H. parson of Leeth, A. chaplain of Wigan, W. clerk of Wigan." ¹

Under the mask of these abbreviations we recognize one clerk at least belonging to Leyland deanery, namely, William de Meols, who occurs from 1246-61 as rector of a moiety of Leyland (there were two rectors there), ² and we shall presently see that the parties to an agreement, and possibly the dean himself, were resident in Leyland hundred. As to the dean himself, we do not know what benefice he held; it has been suggested that he was rector of Standish. ³ He is called in one record "*vicedecanus*," ⁴ perhaps for *decanus vicanus* (rural dean); but we give a more likely explanation below. In another place, he is called Sir Richard de Standish, dean; ⁵ in another, Richard, dean of Standish. ⁶ These two latter references are also in Burscough Priory Register. ⁷ He occurs there among the witnesses of a grant of land in Coppull to Burscough Priory by Richard de Coppull. The prior and canons leased this land to two men in 1231, ⁸ which definitely shows that Richard de Standish was dean about this date. Of the others present at the chapter, we can probably identify the clerk from Walton on the Hill as Robert de Walton, who occurs about 1206; ⁹ and the parson of Winwick may be the Richard who occurs about 1212 or the Robert who was rector in 1332. ¹⁰ The parson of Leeth (Leigh) is Henry de Ulveston, who occurs, 1240-70; ¹¹ A., chaplain of Wigan, was perhaps Adam de Freckleton, perpetual vicar (i.e. curate) of the Church of Wigan, appointed as early as 1199. ¹² W. clerk of Wigan, was probably the chapter clerk; as he was present at a Blackburn chapter about this time, and reported a decision arrived at to the archdeacon. ¹³

The business transacted under the presidency of Richard de Standish concerned his brother, Alexander de Standish, and Richard de Langtree. These two neighbouring magnates had carried on a quarrel for many years, and their fathers before them had quarrelled (since 1205, perhaps before this) concerning the advowson of the

¹ Kuerden MSS., II, f. 219, No. 332.

³ *Ibid.*, 188.

⁵ Ancient Deeds, L, 620.

⁷ *Op. cit.*, 47, 47b.

⁹ *V.C.H. Lancs.*, III, 6.

¹¹ *Ibid.*, III, 418.

¹³ *Coucher Bk. of Whalley*, 91.

² *V.C.H. Lancs.*, VI, 7.

⁴ Kuerden MSS., V, f. 2. Coll. of Arms.

⁶ *Ibid.*, 621.

⁸ Duchy of Lancs. Anc. D., No. 1766.

¹⁰ *Ibid.*, IV, 126.

¹² *Ibid.*, IV, 60, n.; VII, 167, n.

Church of Standish, which they held in moieties, the Standish family and the Langtree family presenting in turn; and also concerning rights of common and improvements from the waste. An agreement had been arrived at in 1205 by the fathers, but not kept. Siward de Langtree, Richard's father, died before 1219, and the case, which had been settled in court by a final concord, was renewed in that year. Alexander's father died while it was proceeding. Before his death, Ralph de Standish had pleaded that Alexander, his son, was parson before the settlement of 1206, and still held the rectory. It was not vacant, for Leising, who had died, was vicar, rendering to Alexander 20s. in the name of pension. When the Church falls vacant, Alexander shall have his moiety and may present his clerk. Richard acknowledged that Alexander was parson, so that part of the quarrel was over; but he still contended that the 16 acres of assorted land allowed to him by the fine of 1206 was withheld; and when he tried to grow corn upon it, the Standishes turned horses to graze on the crop and destroyed it. The dispute about land enclosed from the waste by the Standish family, who had built houses upon it, continued. The decision was that the sheriff was to see that Richard had full seisin of the 16 acres mentioned in the fine; and that he was to cause to be pulled down the three houses which Ralph de Standish had built in the common wood, and make to be thrown open and common the 2 acres he had assorted contrary to the fine. If the sheriff found anybody resisting the fine, he was to attach him to appear in the octave of St. Michael [within seven days after 29th Sept., 1220].¹ The case was not renewed, so we may conclude that the disputants agreed before Michaelmas term, 1220; therefore the chapter meeting ratifying the agreement must have been held about that time.

Another attempt was now made, at the chapter, to settle this long and costly dispute. It was witnessed that Richard, son of Siward de Langtree, remised to Alexander, son of Ralph de Standish, and his heirs these four specified concessions:

First, 16 acres of land in Standish which Siward acquired from Ralph before the Lord King's justices (1206). Secondly, he released 1 acre of land and the moiety of three messuages, which Richard had acquired by writ (? 1220). The third item was, 5 acres of his common between the house of Arnway and Kilnclogh. Finally, and most important of all, Richard granted to Alexander the moiety of the advowson of the Church of Standish, which Siward likewise acquired before the King's justices at Westminster (1206).

"And Richard put him (Alexander) into seisin, and before the said chapter—having touched the sacred elements—he swore that the said

¹ *Curia Regis R.*, 34, 42 m. 9; 70 m. 5d., m. 16; 71, m. 6, m. 21d; 74, m. 8; 75, m. 12. *Hist. of Standish*, 87, 88, 129, 144.

lands, and the advowson of the Church, as is aforesaid, he would further warrant to Alexander and his heirs against all men, and would make quit by his charter to Alexander, if it should seem to him expedient. And be it known that if either Richard or Alexander do contrary to this agreement, he shall pay to the other one hundred marks of silver without gainsay."¹

This civil business relating to land and houses seems strange material to bring before a chapter; but it was all part of an agreement relating to an advowson; and trials for the right of advowson were committed to *ruridecanal* courts.² A chapter was not unimportant if it could, even by mutual arrangement, revise decisions of the *Curia Regis*. Alexander de Standish is called parson in the records of that court, so he was probably in minor orders at least. He was also lord of the manor of Standish, holding, before the agreement, a moiety of the advowson. Richard, who held and here transfers the other moiety, may have been a clerk. What we do know is that he was lord of the manor of Langtree. The lands of the two manors were much interspersed, parts of Langtree being enisled in Standish.³ In fact, the manors look like divided shares of one original inheritance, and the division of the advowson strengthens that suggestion.⁴ At any rate this decision at the chapter was effective; although in later days the lords of these two manors often disputed about the waste, the lords of Langtree never again claimed a share of the advowson, but the Standish family presented (or their lessees) until the Reformation.

If we properly understood the case, we might discover in it some connection with a system of hereditary rectors at Standish, resembling that of the deans of Whalley.⁵ We must not lay too much stress on the description of the presiding member of the chapter as Richard, dean of Standish, that may suggest that he was rector of Standish, or merely denote his family.⁶ Both William de Standish, lord of the manor in 1310, and the seventeenth century antiquarian, Dr. R. Kuerden (who had access to some very early deeds), describe him as the elder brother of Alexander. William says that Ralph de Standish, the father, was succeeded as lord by Richard, who died without issue, and his brother, Alexander, followed.⁷ We see, however, in these *Curia Regis* records, that Alexander was rector in his father's lifetime in 1205 and 1219-20; and that in these later years he was lord of the

¹ The record does not say what Richard de Langtree received in return for all this. Was it arranged that one of his sons should be the next rector? Richard de Standish (? Langtree) and his sons, Henry and Hugh, occur about 1220. This was not the dean, for he died without issue; *De Banco R.*, 180, m. 218. *Hist. of Standish*, 88, 89, 144; *V.C.H. Lancs.*, VI, 193.

² Dansey, *Hor. Decan Rur.*, 2nd ed. II, 91.

³ *Ibid.*, 129.

⁴ Cf. Adam, dean of Kirkham; *V.C.H. Lancs.*, II, 99.

⁵ *Ibid.*, VI, 193; *Hist. of Standish*, 88, 89, 144.

⁶ *Hist. of Standish*, 120, 121.

⁷ *Ibid.*, 87.

manor as well. He was lord at the time of the chapter, but he is not described here as rector of Standish. Before 1231, we find the curious description of his brother, as Richard, dean of Standish. We have found some reason for thinking that he was a younger rather than an elder brother of Alexander.¹ The whole position is somewhat perplexing; but, as we see at Whalley and West Kirby, attempts were being made at this time to bring to an end the hereditary succession to benefices;² and the proceedings at the chapter probably indicate an attempt to resist reform, and retain the benefice as part of the inheritance of the Standish family. Hugh de Standish, rector in 1253, appears to have been lord of the manor as well.³ Henry de Standish, rector about 1270, may have been a member of the Langtree family, as already suggested.⁴

Does this Standish case at Warrington chapter, about 1220 or 1230, mean that Leyland deanery was not then formed, but that Standish was then in Warrington deanery? It is unsafe to draw that inference. The occurrence of a Salmsbury case at Warrington chapter has led to a similar deduction concerning Blackburn deanery;⁵ but there is surely another explanation, for a chapter at Blackburn is mentioned about the same time.⁶ The alternative suggestion which we have to offer is that business was transferable from one deanery to a chapter in another. The fact that W., clerk of Wigan, reported to the archdeacon business done at Blackburn points in the same direction. The mobility of business and appearance of clerks from one deanery at the chapter of another are no doubt due to the dependence of the rural deans upon the archdeacon of Chester at this period. They were little more than his deputies; they were appointed by him, were subject to him, and their office was (in the year 1200 and later) terminable at his will.⁷ When the diocese of Chester was formed in 1541, certain changes were made; but the old system was largely restored through Bishop Bridgeman in 1619, and later.⁸

Another factor which would lead to the transference of business and the holding of combined chapters was the grouping of two deaneries or more in the hands of one dean. This became a custom and abuse in Post-Reformation days, as we shall show; and it is unlikely that it was a novelty. Adam de Kirkham appears to have been dean both of Amounderness and of Lancaster deaneries about the beginning of the thirteenth century.⁹ It is common knowledge that plurality of benefices and various kinds of ecclesiastical offices prevailed; and we cannot think that the position would be different in regard to

¹ *Hist. of Standish*, 89, 89, 144.

² *Hist. of Standish*, 89, 130.

³ *V.C.H. Lancs.*, II, 99.

⁴ Dansey, *Horae Decanicae Rurales*, 2nd ed., II, 372; I, 152.

⁵ *Ibid.*

⁶ Brownbill, *West Kirby*, 92.

⁷ See a previous note.

⁸ *Coucher Bk. of Whalley*, 91.

⁹ *V.C.H. Lancs.*, II, 99; VII, 71; VIII, 3, n., 218, n.

deaneries. In the Taxation of 1291¹ the deaneries of Blackburn and Manchester are grouped together as if in the hands of one person. Perhaps Warrington joined them before 1298 in the possession of one dean; else why should the dean of Wermington (*recte* Warrington) take part with the rector of Standish in inducting the first vicar of Whalley in that year?² The fact of a clerk from Leyland deanery and another from Warrington deanery officiating at an induction in Blackburn deanery, shows that the ruridecanal boundaries were not rigidly adhered to in such matters. Whether or not Richard de Standish held two or more deaneries in the second or third decade of the thirteenth century, we believe that the declension of the dean to a mere functionary of the archdeacon explains the business of Standish and the case of Salmesbury being taken at Warrington chapter. In fact, the archdeacon in the archdeaconry of Chester was the rural dean; and perhaps after all Kuerden was correct in describing Richard de Standish as *vicedecanus*. The deans were certainly called vice-archdeacons in this district.³ In the year 1844, by which time certain ancient archidiaconal powers in this respect had been regained, one writer says, "in this populous diocese [of Chester], the office of rural dean in all the deaneries is now exercised by two persons; the archdeacon of Chester and the commissary of Richmond."⁴ At the same time, the Bishop of London (C. J. Bloomfield), who had been Bishop of Chester, wrote concerning the archdeacon of Chester and the commissary of Richmond: "Their authority as rural deans is of very ancient date, and in some of its branches is quite independent of the bishop. The archdeacons of Chester and Richmond, as such, have no jurisdiction whatever."⁵

As to the character, or even the names, of the rural deans of Leyland before the Reformation, history is almost dumb. A certain Gilbert Whitestanes⁶ was dean in 1449. One nameless tenant of the office makes a startling appearance, like Elijah at the vineyard gate. One gesture of menace and he is gone into silence and obscurity like the rest. It was the problem of evil done anonymously that brought into the half-light this "sly shade of a rural dean." Rupert Brooke's words are particularly apt in the case of this ghost; for, as if in harmony with his subject, he also remains anonymous. A very old method of dealing with evil done secretly was to pronounce a curse upon the wrong-doer. The Book of Judges tells of a woman who was robbed. She uttered a curse upon the thief, and the method was effective in leading him to confess.⁷ Such methods were, of course, much employed by ecclesiastical authorities in the Middle Ages; and rural deans were agents of excommunication in the name of superior

¹ *Pope Nich. Tax* (Rec. Com.), 249.

³ Dansey, *op. cit.*, I, 152.

⁶ Towneley MSS., R.R., No. 1020.

² *V.C.H. Lancs.*, VI, 357, n.

⁴ *Ibid.*, II, 372.

⁵ *Ibid.*

⁷ *Judges*, XVII, 2.

prelates and in their own name as heads of rural consistories.¹ Sentences of excommunication coming from higher authority were published at rural chapters, and might be ordered to be repeated in parish Churches by the members of the chapter.² These powers are illustrated in the Denunciation to which we have just alluded.³ In the reign of Edward IV, James Parker of Bagganley in Chorley had enemies who stole or destroyed his goods and maimed his cattle. Their names were unknown, but the ecclesiastical authorities were appealed to, and the rural dean imposed a solemn curse upon the evil-doers in default of their repentance. The malediction is as follows, the first part being in Latin, which is here translated ; and the schedule of wrongs perpetrated in English, the spelling of this part we have modernized :—

“The dean of Christianity of Leyland to the curates of the Church [or] parochial chapel of Chorley greeting: You in virtue of your obedience straitly enjoining we command forthwith that you admonish all and singular [those] whose names and persons are entirely unknown who lately inflicted certain injuries written below upon James Parker, that within forty days from the time of your monition, etc. Dated under the seal of our office 12th October, A.D. 1480.

“I denounce for accursed all those and each one of them by themselves that have stricken a cow of James Parker in the holding of William Bennet either with axe or bill or any manner of edged lome [weapon] by which the cow is dead. Also whoso took a horse of the said James out of Heapey Wood and took a clog beside his foot, and loaded him or rode, and clipped his mane, against his will and his licence. Also whoso smote a swine or hurt or slate him in a field within the holding of Alexander of Lawthrop, by which the swine is dead ; or whosoever stole a hake of the said James. And also whosoever stole any fish (except shoalers) or hogs or hens, etc., or stirred any quicksets in the holding of Hugh Parker or of the said James his son, or any manner of ground belonging to the said Hugh or James, or whosoever has taken or stolen any manner of goods of the said James without he willeth of it.”

There is upon two folds of the paper the impress left by a seal which is lost. The form of the seal is that known as *vesica piscis*, a shape probably symbolical of the Incarnate Lord, used in many ecclesiastical seals as a fitting enclosure for sacred objects. We may conjecture that in harmony with other seals of the kind this seal represented the B.V.M. holding in her right hand the Infant Jesus ; and that the legend within the border delineated would be simply,

¹ Dansey, *op. cit.*, II, 60, 68.

² *Ibid.*, 30.

³ This document is now lost or mislaid ; it was formerly in the possession of Mr. John Stanton of Chorley. See photograph.

"Sigill : decanatus de Leyland." ¹ Deans were not allowed to have their own names on their seal, but only that of their office, inasmuch as their tenure was temporary only. ²

There is a striking parallel to this Denunciation among the Dunkenhalgh deeds, in a sentence of excommunication by the dean of Blackburn in 1414. Comparing the two we see that there is a common or set form underlying both. Neither dean gives his own name, but only states his office. Both address those in charge of a chapel or chapels, appealing to them by the obedience they owe. Both employ the same Latin formula concerning the unknown offenders, and give a set time for admendment. There are some differences : the dean of Blackburn will declare the injuries done *viva voce* ; the dean of Leyland makes a schedule of them, and says " I denounce," a personal note absent from the other document. In the Latin formula, however, he is more brief and summary, his " obedience " clause may be extended from the more full clause in the Blackburn deed. From this also we may extend the " etc." of the Leyland monition, which closes abruptly and leaves to the imagination or memory of the Chorley chaplains what they are to enjoin upon the unknown malefactors. The text of the Blackburn MS. is also dubious here ; but what is demanded is repentance and satisfaction, as is owed or required. Failing which, the clerks are to excommunicate the offenders, with bells sounded, with candles lighted and extinguished, and with the cross held erect ; and this is to be done as often as is requisite. ³

At the Valuation of Churches in 1535, William Knight, archdeacon of Chester, was in possession of Leyland deanery. ⁴ He also held the deanery of Blackburn, and farmed it to Gilbert Haydock ; ⁵ and that of Warrington, which he farmed to Richard Clerk, chaplain. ⁶ This throws a little light on the system in force ; the deaneries were sometimes farmed, but at this time Leyland deanery was in the archdeacon's own hands ; its revenues amounted to £6 15s. 4d. yearly. The sources of income were probate dues on wills and certain fees paid by beneficed clergy. This leads us to notice that by prescription and custom the rural deans in the archdeaconries of Chester and Richmond, before the formation of Chester diocese, had acquired a certain jurisdiction in testamentary cases not found elsewhere (except in Norwich diocese). They were proving wills and granting administration where the estate was under forty pounds (except those of knights and clergy), and had power to enjoin penance and in other cognate matters. These powers they retained after the diocese of Chester was created in 1541, and in 1615 obtained the right to grant probate of all wills (? for a

¹ See the seals in Dansey, *op. cit.*, I, 402, 403.

² *Ibid.*, 390.

³ *Chet. Misc.*, IV (Vol. LXXX), p. 101. Cf. Dansey, *op. cit.*, II, 76.

⁴ *Valor Eccl.* (Rec. Com.), V, 231.

⁵ *Ibid.*, 227.

⁶ *Ibid.*, 219.

time only), the office of commissary being joined to that of rural dean in their case. Their original jurisdiction they still retained in 1832, and indeed later, though it was disputed by the Chancellor of Chester diocese in 1689.¹ The office of dean rural, therefore, called for some knowledge of law, in addition to integrity and discretion; and these qualities were not always found in its tenants.

Peter Makinson was rural dean of Leyland in 1594. In this year the Bishop of Chester (William Chadderton) attempted some reforms in ruridecanal matters. He called Peter Makinson and the other deans of his diocese before him at his palace at Chester, and enjoined them, by the oath which they had taken on the Gospels, and under penalty of the law, to obey his monition, which related to keeping a complete record of all wills, administrations and testamentary bonds with which they dealt. Also they were to exhibit to him true copies of the things discovered at their visitations within a month of Michaelmas, records of penances imposed, and of persons excommunicated. When visiting they were to enquire in every Church and Chapel of the deanery what curates, readers, and schoolmasters were licensed by the bishop, and from time to time report unlicensed ones to the bishop, and command the wardens under penalty not to suffer unlicensed readers or curates to conduct divine service. They were to exhibit to the bishop a complete record in a paper book of their progress in the deanery for the years last past. It is gratifying to know that Peter Makinson, with some other deans, appeared later before the bishop, and exhibited his paper book with the names of all wills proved, etc., for the last year, and the names of those considered guilty of offences and defaults. Some other deans were not so fortunate: one was suspended, and two pronounced contumacious.²

Peter Makinson, probably the dean mentioned, was in 1596 described as "a massing priest made in Queen Mary's time," and said to have administered Holy Communion to a recusant, James Anderton of Clayton.³ In 1609 he was curate of Low Chapel, Walton-le-Dale, which is outside Leyland deanery and in that of Blackburn. He was then sick and decrepit, and died the same year, when an inventory of his estate was filed at Chester.⁴ "Mr. Makinson, Dean," was buried 28th January, 1609-10 at Brindle, to which place he evidently belonged.⁵

When Chester diocese was formed in 1541, the archdeacons lost for a time their office as the real deans rural, and the power of appointing others who were, in fact, their deputies. It cannot be said that the bishops, upon whom the appointment of the rural deans now devolved, found reform an easy task. They made the deans perpetual, i.e. granted them their office for life; and extended on a very large scale

¹ Dansey, *op. cit.*, II, 81-83.

² Dansey, *op. cit.*, 375, 376.

³ *V.C.H. Lancs.*, VI, 31, n.

⁴ *Ibid.*, 299.

⁵ *Brindle Register*, L.P.R.S., 115. See the index for his family.

the system of granting several deaneries to the same man. The first bishop (John Bird) in 1551 by letters patent granted three deaneries to one man for the term of his life,¹ enumerating in the grant a formidable list of powers and duties. There grew up also the stipulation that the rural dean so appointed should pay the bishop a certain annual rent out of the receipts of his office.² The rural deans had their own registrars to keep the records, and this officer was appointed by the bishop or by the dean with the bishop's consent. In 1598, however, the diocesan (Bishop R. Vaughan) made one man, Humphrey Lloyd, the registrar of all the deaneries throughout the diocese, including, of course, the deanery of Leyland.³

One would have thought this officer would be a useful check on carelessness in keeping records, etc. Unfortunately, the tenants for life of the office of rural dean were allowed to appoint deputies, and these deputies appear to have claimed office for their lives. So that Bishop Bridgeman, in 1619, found frightful abuses; the deaneries were in some cases in the hands of unworthy and base men. Even women held them; in one flagrant instance, a woman of bad character. Bishop Bridgeman wished the records to be better kept and the office restored to its "first dignity." He had another motive, to provide a jurisdiction for the archdeacons, and a means of paying their statutory stipends of £50, which was a burden upon the bishops. Accordingly, as the deans died and their offices came into his hands, he reserved them for the archdeacons, renting them more highly than before, and grouping them together. The eight rural deaneries in Cheshire he rented at £50 for the archdeacon of Chester; but it was paid to the bishop, and by him to the archdeacon. The deaneries in Lancashire, except Manchester and Amounderness, he rented jointly at £50 for the archdeacon of Richmond. Of these Warrington was rented at £17; Blackburn at £13 6s. 8d.; Leyland at £10 yearly. The two excepted deaneries were reserved as preferments for his chaplains.⁴

The scheme initiated by Bishop Bridgeman could only come into operation by stages, as explained. The deanery of Leyland did not come into his hands until the death of "Mr. Bennet," whom we may identify with William Bennett, B.A., the resident rector of Brindle. We do not know how long he was rural dean, but he came to Brindle in 1603 and died in 1629.⁵

In pursuance of Bishop Bridgeman's policy, Leyland, Blackburn, and Warrington deaneries were granted to Dr. Thomas Dod, archdeacon of Richmond, who died in 1648. Leonard Clayton, M.A., vicar of Blackburn, which benefice he afterwards held together with Stockport rectory, was rural dean of Leyland in 1662, according to the

¹ Dansey, *op. cit.*, 372.

⁴ *Ibid.*, 380-381.

² *Ibid.*, 377.

⁵ *V.C.H. Lancs.*, VI, 80.

³ *Ibid.*, 374.

Chorley Register. A member of a Blackburn family, and holding lands in Mellor and Little Harwood, he was elected vicar of Blackburn by the people in 1647, and continued there at the Restoration inasmuch as he was "faithful to the Sacred Majesty" of Charles II.¹ Chorley Register also indicates that Philip Flanner, M.A., was rural dean in 1664. In 1666 eleven deaneries were given to Philip Flanner; in 1688 the deaneries were granted by Bishop Cartwright for their lives at a yearly rent of £100 to the bishop's son, John Cartwright, and Thomas Waite, the bishop's cousin; the latter was to be registrar. At this time there was a recrudescence of the controversy with the chancellor concerning the "*infra*" wills (those under £40). In 1695, Bishop Stratford granted the deaneries to Arthur Fogge, clerk, son of the dean of Chester.²

By means of such grants the position was brought about to which we have already referred. In 1844 the office of rural dean of all the deaneries in Chester diocese was exercised by two persons, the archdeacon of Chester and the commissary of Richmond.³ The creation of Manchester diocese, with Leyland deanery (among others) in Manchester archdeaconry (from 1847), and then in Blackburn archdeaconry (from 1877), has been described. Before the abolition of ecclesiastical jurisdiction in testamentary matters in 1858, the court of the rural dean of Leyland for proving wills, etc., was held in Chorley. That was the site in 1664,⁴ 1676,⁵ and 1836.⁶ The archdeacon's annual visitation was also held at Chorley in 1837.⁷ The Bishop of Manchester's commission to rural deans concerned their triennial visitations and other duties.⁸ The succession of deans since the formation of Manchester diocese in 1847, with the dates of their appointment, is as follows: Canon J. S. Master (1848)⁹; Canon W. H. Brandreth (1875); Canon W. E. Rawstorne (1885); Rev. E. G. James (1888); Canon T. A. Stowell (1890); Rev. Kinton Jacques (1901); Rev. A. G. Rawstorne (1908), afterwards Suffragan Bishop of Whalley; Rev. A. E. Nock (1922); Rev. H. Bretherton (1930).

A brief statement of the development of the six ancient parishes may fittingly conclude this account of Leyland deanery.

Brindle alone retains its ancient bounds. It is one of the few ancient parishes in the county containing but one township.

Leyland was an extensive parish. Euxton, the oldest parochial chapel, was rebuilt in 1573,¹⁰ and again about 1724; Heapey Chapel was seized by the Crown in 1553, and sold to the people for 25s. 8d.

¹ *V.C.H. Lancs.*, VII, 237, 241, 262; Abram, *Blackburn*, 287-292.

² *Manch. and Blackburn Dioc. Mag.*, Vol. I, 125.

³ Dansey, *op. cit.*, II, 372.

⁴ Chorley Register.

⁵ *Roger Lowe's Diary, Loc. Glean. Lancs. and Chesh.* I, 197.

⁶ Baines, *Lancs.* (ed. 1836), III, 421.

⁷ *Wigan Gazette*, 28 April 1837.

⁸ *Manch. Dioc. Cal.*, 1871, p. 81.

⁹ See note (c), p. 112.

¹⁰ The date on the inscribed stone over the west doorway.

It was rebuilt in 1752.¹ Holy Trinity Church at Hoghton (built 1824) ; St. Paul, Withnell (1841) ; St. John, Whittle-le-Woods (1830), mark further expansion. In Leyland itself St. James, Moss Side, was built in 1855 ; St. Ambrose, a chapel-of-ease (1885) became a parish in 1898.

Croston had ancient chapels at the following places, which became separate rectories in the years assigned : Chorley St. Laurence (1793) ; Rufford (1793) ; Hesketh-with-Beconsall (1821) ; Tarleton (1821) ; Hoole (1641) ; Bretherton (a new chapel built in 1840 became the centre of a parish in 1866) ; St. Peter, Mawdesley, was also built in 1840, and declared a rectory in 1866. At Chorley three other Churches have been built : St. George (1825) ; St. Peter (1850) ; and St. James (1879).

Penwortham.—There was an ancient chapel at Longton ; it was rebuilt in 1770, and again in 1887. All Saints, New Longton, became, in 1916, a district in the parish of Penwortham.

Eccleston.—The ancient chapel of St. Mary, Douglas, was replaced by Christ Church, Douglas in Parbold, in 1875 ; meanwhile St. James, Wrightington, was built in 1857.

Standish.—The Pre-Reformation chapels at Anderton and Coppull were lost sight of ; but at Coppull another chapel was built in 1656,² which became a parish Church in 1856 ; another parish, St. John the Divine, was formed in 1912. St. Ann, Shevington, was erected in 1887. At Adlington, Christ Church was built in 1839, and is now a chapel of ease to St. Paul (1884). Meanwhile Christ Church, Charnock Richard, was consecrated in 1860.

ADDITIONAL NOTES.

- (a) In 1563 John Bayley was bound in £20 to Sir William Stanley, Lord Mounteagle, and Sir Richard Shireburne, to execute duly the office of bailiff of the wapentake of Leylandshire. John Bayley, yeoman, was similarly bound to the Earl of Derby and Sir Richard Shireburne in 1577. Shireburne Abstract Book at Leagram, p. 49.
- (b) On 8th August, 1574, Lord Mounteagle sold to Sir Richard Shireburne the manor of Chorley, messuages in Chorley, Eccleston, etc., a 4th part of the wapentake of Leyland, a 4th part of the bailiwick of the wapentake ; and a 4th part of all the following : all courts leet and view of frankpledge of the manor and wapentake ; markets, fairs, tolls therefrom in Chorley ; wards, marriages, reliefs, escheats, belonging the manor and wapentake ; services of freeholders in Chorley and other townships. *Ibid.*
- (c) *Rural Deans*. Rev. J. S. Master was appointed "Rural Dean within the Archdeaconry of Manchester," 28th June, 1848 ; this was confirmed, 18th June, 1870. Meanwhile he became Hon. Canon, 21st March, 1854. The Bishop re-arranged the Rural Deaneries, 15th Nov., 1870, and Canon Master was then made Rural Dean of Leyland. Information from E. S. Chesney, Esq., Diocesan Registrar.

¹ D. S. Rennard, *Heapey Church*, 31.

² Deed in Chester Dioc. Registry.

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THE NARRATIVE OF
THE INDICTMENT OF THE TRAITORS
OF WHALLEY AND CARTMELL 1536-7

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OF WHALLEY AND CARTMELL 1536-7

BY

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THE NARRATIVE OF THE INDICTMENT OF THE TRAITORS OF WHALLEY AND CARTMELL, 1536-37.

THE Kalendar of Indictments printed herewith does not clear up all the difficulties connected with the fall of Whalley Abbey and Cartmell Priory in 1536-37, and the part taken by their members in the Pilgrimage of Grace. But it is probably the last piece of evidence hitherto unknown which is likely to come to light. The British Museum, the Bodleian Library, and the Knowsley Archives, have all been consulted as well as the Public Record Office, in the attempt to clear up the problems of Abbot Paslew's high treason. That this Kalendar has so long escaped notice is perhaps due to the fact that it was used as the wrapper of a bundle of other Kalendars of Indictments.

Where so much is still obscure, a brief diary of such events as are known will serve as the best introduction to the Indictments themselves.

WHALLEY, 1536-1537.

Saturday, 21 October, 1536.—The rebel commons, led by John Catherall, went to Nicholas Tempest's house at Bashall, Yorks (he had fled from home at their approach), spoiled his goods, and, on threat of killing his son John, forced him to take the oath "to be true to the commons." (L. & P. Henry VIII, XII (1), 1020: Tempest's Statement, 23 April, 1537, in State Papers, P.R.O., Dom., 29 Henry VIII, first box, T/5*, quoted in Yorks Archæolog. Journal, 251 *et seq.*)

Sunday, 22 October.—Meeting of Nicholas Tempest and Sir Stephen Hamerton with the rebels at Manabent, to make their plans. (Tempest, *ut supra.*)

Monday, 23 October.—Nicholas Tempest "with thre or foure hundredre men went to Whalley Abbey where being kept out upon" (i.e. more than) "ij houres, at the last were lett in for feare of burnyng their barnes and corne, and there this examinate" (i.e. Nicholas Tempest) "sware the Abbot and upon an eight of his brethern according to Aske's othe. And Sir Stephyn went to thother two places" (i.e. Burnley and Colne) "and sware theym there; and in their room mett together bothe the same Monedaye in the evening and (related) either to the other what they had done." (Tempest, *ut supra.*) Perhaps it was on this occasion that the Abbot of Whalley lent Tempest a horse (*see infra*).

Tuesday, 24 October.—Lord Derby, having consulted with the gentlemen of the shire, determined to set out on Saturday, 28 October, “for Salley, where the monks and abbot yet remain,” to execute the king’s command to hang them. (L. & P. Henry VIII, XI, 783.)

Wednesday, 25 October.—Lord Derby wrote from Lathom House to the Abbot of Whalley that he would be at Whalley Abbey the following Monday night (i.e. 30 October), and desiring him to make provision for him and his company “to do the king’s service.” (L. & P., Henry VIII, XI, 872.) The rumour spread that he was going to pull down Whalley Abbey and the houses of Sir Richard Tempest (Nicholas Tempest’s brother) and Sir Stephen Hamerton. (Hamerton’s Statement, quoted in *Yorks Archæol. Journal*, 255, 256.) “And thereupon they appointed to mete alle ageyne at Manebent. And there determyned that one parte of them whereof this examate” (i.e. Hamerton) “was shulde take one syde of Ribley and the other parte whereof Nicholas Tempest was, shulde go on the other part of the same, And go to Whalley, And in the waye to reyse the cuntrye alonge and to mete bothe parties agayne upon a more two myles besydes Whaley” (this, which was Clitheroe Moor, was no doubt chosen because it was near Edisford Bridge by which the party on the right bank of the Ribble after passing through Grindleton, West Bradford, and Waddington, could rejoin their comrades who had marched on a parallel course through Salley, Chatburn, and Clitheroe, on the left or Lancashire bank) “there to mete my lorde of Derby and to stoppe hym of his said purpose.” (Hamerton’s Statement, *ut supra*.) Proclamations were issued that all males of the age of sixteen years and upwards were to meet on Clitheroe Moor on the Monday, and that none were to aid the earl of Derby or any one else who was not sworn to the commonwealth.

Friday, 27 October.—An agreement was reached between the Duke of Norfolk and the rebels at Doncaster (L. & P., Henry VIII, XI, 947).

Saturday, 28 October.—The Earl of Shrewsbury wrote from Doncaster to the Earl of Derby announcing the agreement (*op. cit.*, 901). Robert Aske wrote at once to the Lancashire rebels at Whalley and those in Craven and Kendal, ordering them to disperse; and saying that even if Derby invaded them, they were not to give battle till they had certified him (Aske) (*op. cit.*, 1046).

A new piece of information occurs in a note at the beginning of a Minute Book of the Court of General Surveyors of Crown Lands [Augmentation Book 313B]. (L. & P., Henry VIII, XV, 939) :—

Johannes Paslow abbas de Whalley in comitatu Lanc. attinctus de prodicione commissa xxvii[j] Octobris Anno xxviii^o [i.e. Saturday, 28 October, 1536].

A reference to the diary of events given above shows that we have no further information concerning Paslew’s actions on that day, and

cannot say what were the specific acts of treason for which the Abbot died. It is, however, possible that it was on this fatal Saturday that Richard Estgate, a monk of Salley, took refuge with his brother John Estgate, a monk of Whalley, at Whalley Abbey. Sanders (*De Origine ac Progressu Schismatis Anglicani*, I, 121—a reliable authority, edited by Rushton and published in 1585, four years after Sanders' death) wrote of the Salley monks "Et quia horum monachorum unus, qui fratrem Whaliensi in monasterio habebat, eo confugerat, ingressusque fuerat inscio abbate qui coenobio praeerat, ille etiam abbas laqueo sublatus est, variaque strages in alios edita." If this is an accurate account of the facts, it looks as though one of the principal charges against the abbot was that of harbouring the king's enemies.

Monday, 30 October.—Shrewsbury's letter reached Derby at Preston, at nine o'clock in the morning. He was intending to advance and lodge that night at Whalley Abbey, where he was to meet Lord Darcy, but on receiving the news of the agreement, he went home to Lathom instead (*op. cit.*, 947, and 1212 (3)), ordering Sir Piers Dutton to dismiss his company. "The same Monday in the morrow" (i.e. on Monday morning) the commons took Whalley Abbey, but sparpled (i.e. dispersed) the same day (*op. cit.*, 947). Sir Stephen Hamerton, however, said (*ut supra*, p. 256) that "When they cam to the said hill (Manabent) there they had worde broughte them that the lord of Derby had worde from my lorde of Norfolk by an herolde that he shulde stay and not go forwarde, for an uptake that was made at Doncaster. And so every man excepte a fewe gentylmene that went to Whalley that night retorned home." It is possible that Lord Derby is referring to this visit of the "fewe gentylmene" when he wrote to the King on 1 November to say that the commons had taken Whalley Abbey but on hearing of the truce, had immediately dispersed.

The confession of William Talbot against Lord Darcy made in 1537 before the Earl of Sussex throws a little more light on these events (L. & P., Henry VIII, XII (1), 853). William Talbot said that John Paslew lent a horse to Nicholas Tempest. "Also [he] sayth that [Aske] did say that he had no money of the Abbot of Whalley as h[e] had of ot[her Abbots] and priors, but he intended to have." Talbot also brought to the Abbot a copy of Norfolk's letter to Lord Darcy, which he got from Alysaunder, a servant of Aske's. He said also that Aske wrote to the Abbot of Whalley, and thinks that the letter was "a summons to the convocation at Pomfret."

We can now resume the diary, which shows that matters were still unsettled.

Sunday, 19 November.—Lord Derby wrote from Lathom to the Lord Admiral that he does not trust the people of Lancashire where it borders on Lancashire and Yorkshire near Whalley and Salley; and that he keeps espial everywhere. (L. & P., Henry VIII, XI, 1118.)

Tuesday, 5 December.—Derby, still very uneasy, wrote to Henry VIII from Lathom “all north of Lancaster and in the parts of Whalley and Salley is sworn to the commons” (*op. cit.*, 1251).

Saturday, 9 December.—A general pardon, dated from Richmond, was issued for the late rebellion, provided submission is made to the Duke of Norfolk and the Earl of Shrewsbury. The pardon was to apply to all offences committed before Sunday 10 December (corrected into “the present date”), and, *inter alios*, to applicants dwelling in Yorkshire, Cumberland, Westmorland, Northumberland, and the town and county of Lancaster (*op. cit.*, 1276).

1 *January, 1536-37.*—Whalley Abbey granted an annual rent of £6 13s. 4d. to Thomas Cromwell. (Whitaker, Whalley, I, 108.)

Early in 1536-37.—Pursuant to the issue of the general pardon, and as the Duke of Norfolk’s Commission of assize did not extend to Lancashire, the Earl of Sussex is sent down and Lord Derby is joined with him in commission to execute the following instructions (L. & P., Henry VIII, XII (1), 302):—

(1) To receive submissions and administer the oath to the late rebels.

If any refuse to swear, and so exempt himself out of the King’s pardon, the earls, if they think themselves able to punish them, are to have them apprehended, and judged by law to suffer execution. If they cannot so punish them, they shall seem to forget them till they have sworn the rest.

(2) The earls shall enquire if any persons have made unlawful assemblies or committed spoils since the publication of the pardon, and cause such persons “incontinently to be justified.”

Saturday, 10 February, 1536-37.—William Rede, of Oxford, a baker (probably related to William Rede, Paslew’s predecessor as Abbot of Whalley), was arrested at Wotton and examined at Kenilworth. He said that, being at Whalley Abbey, and about to return to Oxford, he asked the Abbot whether he wished to send a message to his scholar at Oxford. (Whalley Abbey had maintained one of their number as a scholar at the Cistercian College of St. Bernard in Oxford ever since their removal from Stanlaw to Whalley.) The Abbot said yes, and asked him to wait for a letter, which he brought to him after dinner. There were, in fact, two letters, one to the scholar, who was probably Roger Whalley, white monk, who supplicated for the degree of Bachelor of Divinity, 10 May, 1538 (Boase, I, 191), and a second to the Abbot of Hayles. In delivering them to Rede, the Abbot gave him also a verbal message for the latter, that he was sore stopped and acrated, and that he begged the Abbot of Hayles to send him word when he intended to come to Lancashire, “for I would be glad,” said he, “to see him once ere I departed out of this world, seeing I brought him up here of a child.” (L. & P., Henry VIII, XII (3), 389.) This

Abbot of Hayles, John Clitherhowe by name, had been a Brother of Whalley Abbey before his election.

It is clear from this deposition that early in February the Abbot was in great distress, but had made up his mind not to take advantage of the general pardon issued in December, and anticipated nothing but death.

Friday, 9 March, 1536-37.—Trial of John Paslew, Richard Estgate, John Estgate, William Haydocke, and Henry Banaster, before the Earls of Sussex and Derby and other commissioners at Lancaster.

John, Abbot of Whalley, was charged with treason on five counts. The first, third, and fifth, by himself alone ; the second in company with Richard Estgate and Henry Banaster ; the fourth in company with John Estgate and William Haydocke. He pleaded guilty to all five, and was executed.

Richard Estgate, clerk and monk of Salley, chaplain to the Abbot of Salley (L. & P., Henry VIII, XII (1), 1034), was charged with felony and treason in company with his fellow-monk, Henry Banaster ; with treason in company with the Abbot of Whalley and Henry Banaster ; and with treason in company with Henry Banaster. He pleaded not guilty to all three charges, and, at Henry VIII's request, was sent up to London, as " Sir Arthur Darcy writes that he can declare matter against him that will lead to important revelations " (*op. cit.*, 706). He was remitted for execution and was hanged (*op. cit.*, 632, and B.M. Cott. Vesp. D. XVII, fol. 16). As he was charged at Lancaster his offences must have been committed in connexion with the Whalley rising.

John Estgate, a monk of Whalley, charged with treason in company with William Haydocke, a fellow-monk, pleaded not guilty, and was acquitted. On a second charge of treason, in company with William Haydocke and the Abbot of Whalley, he was also acquitted. Henry VIII, writing to Sussex, 24-28 March, 1536-37 (L. & P., Henry VIII, XII (1), 706), directed that he should be retained in custody " till the King knows why he prefers to go to Nethe." On 11 April the King granted his request to go to Nethe (*op. cit.*, 896).

William Haydocke, a monk of Whalley, was charged with treason on three counts, first, with John Estgate ; secondly, by himself ; and thirdly, with the Abbot of Whalley and John Estgate. He pleaded guilty to the third, and was hanged in a field called Little Imps on Monday, 12 March, 1536-37. (B.M. Cott. Vesp. D. XVII, fol. 16.)

Henry Banaster, clerk, and late fellow-monk of Thomas, late Abbot of Salley, was charged with felony and treason in company with his fellow-monk, Richard Estgate ; with treason with him ; and with treason in company with him and the Abbot of Whalley. He seems to have evaded arrest.

Saturday, 10 March.—John Paslew " died " (Talbot, *ut infra*).

Sunday, 11 March.—The Earl of Sussex wrote to Thomas Cromwell from Lancaster: "You will see I keep promise for the punishment of such traitorous monks. He thinks that the accomplishment of the matter of Whalley was God's ordinance; else, seeing my lord of Derby is steward of the House [i.e. of Whalley Abbey], and so many gentlemen the Abbot's fee'd men, it would have been hard to find anything against him in these parts. It will be a terror to corrupt minds hereafter." (L. & P., Henry VIII, XII (1), 630.)

Hitherto a certain difficulty has hung about the sentence "the accomplishment of the matter of Whalley was God's ordinance." It is now clear that the reference is one of thankfulness that the Abbot pleaded "guilty." For, if he had pleaded "not guilty," it would have been hard to find anything by which to convict him. This was, indeed, the Abbot's second refusal to escape, as he might have come in under the general pardon and taken the oath of allegiance to the King.

The last sentence—"a terror to corrupt minds" can only refer to his execution.

Monday, 12 March.—William Haydocke was hanged in a field called Little Imps at Whalley (Talbot, *ut infra*).

(?) *Saturday, 17 March.*—The two Commissioners wrote to the Duke of Norfolk: "The bearer can inform you how, since our coming to Lancashire execution has been done on the Abbot of Whalley and one of his monks named Heydock, and also Sir Richard Estgate, one of the monks of Salley, and . . . canons of Cartmell, and ten lay persons dwelling thereabouts, who were the principal offenders since the pardon. . . .

"Here we have wholly taken the submission of the offenders, and administered the oaths. Men could not be more sorrowful for their offences or more glad of this our coming. As long as the world standeth this will be a dreadful example." (L. & P., Henry VIII, XII (1), 632).

On this prophetic note we may well leave the Earls of Sussex and Derby.

While there is no need to enter upon a lengthy disquisition on the place of Abbot Paslew's execution, a brief summary of the evidence so far known is germane to our purpose. There is no doubt that Abbot Paslew was executed. The question is When and Where?

Though there is no positive contemporary statement in so many words of the place of his execution, the letter of the two earls, quoted above, and Thomas Talbot's reticent but confident statement, leave little room for doubt that the execution of the Abbot followed the usual course, and that he was hanged, drawn, and quartered at Lancaster on Saturday, 10 March, 1536-37.

All the best evidence of a later date supports this view. Stowe, in his *Chronicle* (published 1580), page 574, gives the date as 10 March

at Lancaster, and continues "the same day with him was hanged, drawn, and quartered, John Eastgate, a monk of the same House, whose quarters were set up at divers townes in that shire. And on the 13th of March William Haydocke, a monk of Whalley, was hanged at Whalley in a field called *Pediam Guies*, and there hanged long time after." We notice that even Stowe is confused. John Eastgate was not executed: William Haydocke was executed on 12 March: and the mysterious "*Pediam Guies*" must surely be some misunderstood form of Limping Tom Talbot's "*Parvo Imps*" or the Coucher Book's Imp-yard.

Sanders, already quoted, merely gives authority to the fact that the Abbot was hanged, and that with him others were put to death.

Next in point of time is the evidence of the English Roman Catholic College at St. Omer.¹ Here Father Persons had set up a printing press, over which the Rev. John Wilson, a secular priest, presided. In 1608 this press published an "English Martyrologe," containing a list of "those who have suffered death in England for defence of the Catholicke cause synce the yeare of Christ 1535." In the catalogue of names occur those of Abbot Paslew and John Eastgate, monk, who are said to have suffered at Lancaster, 10 March, 1536, and William Haddocke, monk, said to have suffered at Whalley on 13 March. This is not, however, a good piece of evidence, as it is clear from the mistakes that it is merely copied from Stowe's *Chronicle*.

Next we may quote the Abbot's own Order, the Cistercians. Henriquez (*Menologium Cisterciense*, published 1629) gives the following entry: "*Beati Johannis Paslew, Abbatis Whallensis, qui post diuturnos carceres, variosque pro fide catholica toleratos labores, suspensus et in quatuor partes divisus Lancastriae martyrium consummavit.*"

And after them, the Order which has laid all hagiologists under the greatest obligations, the Benedictines. At Douai Abbey, Woolhampton, Berks, there is preserved a Benedictine Martyrology of the early seventeenth century, in which, under the date 10 March, appears the entry: "*B. Joannis Paslei Abb. Monast. Whaliensis et Mart. in Anglia Congregationis Cisterciensis.*" It should be noted that Sanders and the Benedictines, if we may judge by their common spelling of the word "*Whaliensis*," seem to have had some source of information independent of Stowe and Henriquez.

There is also at Douai Abbey an early seventeenth century commemorative portrait of Abbot Paslew, which was brought to England from the church of St. Edmund at Douay, which bears the following inscription: "*R. D. Ioannes Paslew, abbas Whalliensis, Martyr Lincolniae, X Martii, 1536.*" The word "*Lincolniae*" shows that

¹ I am indebted for this and the three following references to the kindness of Major Richard Trappes-Lomax, of Allsprings, Great Harwood.

the information was derived from Stowe's *Chronicle*, in which "Linc." appears by error for "Lanc." This inscription cannot therefore be reckoned as a piece of independent evidence.

Speed is the first writer to give Whalley as the place of Paslew's execution. But Speed's accuracy has often been called in question on more important points than this, and cannot be relied on without confirmatory evidence from other sources.

Dugdale presumably followed Speed in making the same assertion.

We must now take a leap of a hundred and fifty years and come to the so-called local Whalley tradition. Mr. Wm. Self Weeks, F.S.A., has acutely pointed out that the traveller Pennant, during one of his tours in the north of England during the latter part of the eighteenth century, stayed at Standen Hall, near Whalley, and visited Whalley Church. In the full record of his visit he says nothing whatever of any local tradition that Paslew was executed at Whalley, but, on the contrary, states that he was hanged at Lancaster.

In 1805 Dr. T. D. Whitaker published his monumental *History of Whalley*, in the course of which he adopted Speed's and Dugdale's allocation, and to give versimilitude to his narrative, assigned to Abbot Paslew a tombstone then lying in the alley of the north aisle of Whalley Church. This stone bears a capital letter "I" where the initial of the Christian name would be, but is mutilated (and was so then) in the opposite corner where the initial of the surname would be carved. Dr. Whitaker ingenuously assured his readers that the "I" stood for Joannes (which is quite possibly true—or for Jacobus, or Judas, or Jeremiah), and that the letter on the mutilated corner had, no doubt, been "P" for Paslew! The stone, which bears a fifteenth century design, and has been twice used, once certainly for a priest, stands now against the north wall of the church. When it was removed to this position some years ago the ground below was opened, and no trace of any burial was found. The probability, therefore, is that it was brought from the Abbey for use as a paving-stone some time after the destruction of the Abbey church in the reign of Charles II. It is worth noting that the Paslews sat on the south side of the church, so that if the Abbot were buried in the church, one would not have looked for his grave on the north side.

In the third edition of his *History*, published in 1819, Dr. Whitaker wrote of the strong local tradition about the execution, and mentioned an oaken post still in the ground which, he said, was all that now remained of the "fatal apparatus" on which Paslew was hanged. Local tradition had not formed part of his argument in 1805. It is a not unfair conclusion that if any local tradition existed in 1805 (which, in view of T. Pennant's note in 1773, seems very doubtful), it had been assiduously fostered and developed in the intervening years.

Harrison Ainsworth greedily swallowed it all, and the mischief

was done when "The Lancashire Witches" was published in 1848. The painter, Charles Cattermole, R.I., added to the legend by painting a picture entitled "The Last Days of Whalley Abbey," engravings of which are still frequently to be met with, showing Abbot Paslew leaving the east gate of the Abbey on his way to execution.

When, in the natural course of decay, the post which had formed part of the gallows disappeared, its place was taken by an oak tree which, most fortunately, grew near by. When this tree was cut down in the middle of the nineteenth century and made into furniture, a second oak tree, which by similar good fortune stood close to the original site, was adopted as "The Abbot's Oak." Yielding in its turn to old age, this venerable relic was cut down in 1916, and found to be not more than two hundred years old.

It appears, then, that for a hundred and twenty years or more after his execution, no one doubted that Abbot Paslew had been executed at Lancaster on 10 March, 1536-37. Is there any possible explanation, other than mere error, of the subsequent legend? Was it entirely due to the inaccuracy of Speed, the lively imagination of Dr. Whitaker, and the poetic licence of Harrison Ainsworth?

The explanation seems to lie in what happened after an execution for high treason. The body, which was denied Christian burial (this fact alone disposes of the tombstone theory), was divided into four quarters (Stowe and Henriquez, *ut supra*, note the point), which were sent to four towns in the county for public exhibition *in terrorem populi*. The head was set up on a pike on some prominent gateway, such as, in London, Temple Bar or London Bridge. It is not unlikely that Paslew's head was set up on the gateway of Lancaster Castle, and that one of the four quarters into which his body was divided was taken to Whalley by the executioner along with William Haydocke, who was executed there on Monday, 12 March. While, therefore, it would not be true to say that Abbot Paslew was executed at Whalley, it might possibly be true to say that part of him was hung there on Monday, 12 March.

If we put together this possibility and the undoubted execution of Haydocke at Whalley, we are not likely to be far wrong in suggesting that, if there be anything but a sheer mistake in the whole supposition, here is the origin of the legend that Abbot Paslew was hanged at Whalley.

CARTMELL, 1536-1537.

Events at Cartmell Priory followed a different course. In the autumn of 1536 the Priory was surrendered to the King under the Act of Parliament of the previous February, and the canons dispersed.

In October, however, the commons of Cartmell restored the members of the Priory. They appear to have agreed to their restoration with

the important exception of the Prior himself, who, being made Prior again against his will, stole away to the Earl of Derby at Preston, before hearing of any stay taken in Yorkshire (i.e. before he heard of the agreement of 27 October between the Duke of Norfolk and the rebels under Aske at Doncaster). (L. & P., Henry VIII, XI, 947 (2).)

Early in December, William Colyns, the bailiff of Kendal, told John Dakyn, the Vicar General, that all the canons of Cartmell had gone back to their House, "except the foolish Prior," and was requested by Colyns to write to him to do likewise. Dakyn accordingly wrote to him, and apparently to the Prior of Conished Priory also, on Sunday, 10 December, to the effect that all religious persons (i.e. monks), by the King's consent were to enter their suppressed Houses again, till further direction be taken by Parliament. He exhorted them to do so, and trusted that their monasteries should stand for ever. (L. & P., Henry VIII, XI, 1279; and XII (1), 787.)

This, no doubt, was an attempt, fruitless in the issue, to pacify northern Lancashire against any fresh outbreak of rebellion. The Prior, if ever he received the letter, did not comply with Dakyn's request.

Fourteen days after Our Lady Day before Christmas (i.e. on or about 22 December) the general pardon was declared in Kendal. About eight weeks later (i.e. in the latter half of February, 1536-37), without the cognisance or support of William Colyns or any other of Kendal, the canons and yeomen of Cartmell (and also, it would seem, some of Conished) stirred a new commotion, stayed the farmers from taking their corn, and in particular withstood Mr. Holcrofte, the King's farmer. (L. & P., Henry VIII, XII (1), 914.)

The Cartmell canons and yeomen were tried for this act of rebellion at the same assizes as Abbot Paslew and his fellow monks, Friday, 9 March, 1536-37.

The Canons of Cartmell.

James Eskryg, clerk, late canon and late sub-prior (*but see below*) of Cartmell, escaped.

John Rudley, clerk, late canon of Cartmell, escaped.

Thomas Bryggs, clerk, late canon of Cartmell, was put on trial, pleaded not guilty, and was acquitted.

Thomas Person, clerk, late canon of Cartmell, escaped.

Augustine Fell, clerk, late canon of Cartmell, was put on trial, and hanged.

William Panoll, clerk, late canon of Cartmell, was put on trial, and hanged.

Richard Bakhous, clerk, late canon of Cartmell, was put on trial, and hanged.

Brian Willen, clerk, late canon of Cartmell, was put on trial, pleaded not guilty, and was acquitted.

John Cowper, clerk, late canon of Cartmell, was put on trial, and hanged.

Thus, of the nine canons, four were executed, two were acquitted, and three escaped. Of these last the Earls of Sussex and Derby wrote to the Duke of Norfolk, 11 March, 1536-37, that they were still at large. "The offenders at Cartmell are Sir James Estrigge, Sir John Riddle, and the late sub-prior there, who have fled. We think they are about Kendal in Westmorland." (L. & P., Henry VIII, XII (1), 632.) The Kalendar of Indictments gives the title of late sub-prior to James Eskryg, whose name stands first upon the list. But if the Earls' letter be correct, then the late sub-prior was the fourth canon on the list, Thomas Person.

The Husbandmen of Cartmell.

It appears from the arrangement of the Kalendar that, as there was one charge against all the canons, so also there was one charge against all the husbandmen.

Robert Dawson, late of Cartmell, Husbandman, was put on trial, and hanged.

Peter Barwyk, late of Cartmell, Husbandman, was put on trial, pleaded not guilty, and was hanged.

Matthew Bateman, late of Cartmell, Husbandman, was put on trial, pleaded not guilty, and was hanged.

Richard Gardener, late of Cartmell, Husbandman, was put on trial, pleaded not guilty, and was acquitted.

James Carter, late of Cartmell, Husbandman, was put on trial, pleaded not guilty, and was hanged.

John Blakhed, late of Cartmell, Husbandman, was put on trial, and was hanged.

James Stanes, late of Cartmell, Husbandman, escaped. This was probably "one Stanes, of Bethom, in Westmorland [shall be hanged in chains]" mentioned by Sussex and Derby in their letter to Norfolk, cited above.

Richard Nuby, late of Cartmell, Husbandman, son of James Nuby, was put on trial, and was acquitted.

John Byglond, late of Cartmell, Husbandman, was put on trial, and was hanged.

John Brokbank, junior, late of Cartmell, Husbandman, was put on trial, and was hanged.

William Crossefeld, late of Cartmell, Husbandman, was put on trial, and was hanged.

John Neylson, late of Cartmell, Husbandman, was put on trial, and was acquitted.

Milo Deconson, late of Cartmell, Husbandman, escaped.

William Byrkhed, late of Cartmell, Husbandman, was put on trial, and was hanged.

Gilbert Preston, late of Cartmell, Husbandman, was put on trial, and was hanged.

John Deconson, late of Cartmell, Husbandman, escaped.

Of these sixteen Husbandmen, ten were executed, three were acquitted, and three, at least for the time being, escaped.

SALLEY.

Though the fall of Salley Abbey does not come within the purview of this paper, it will be noticed that the *Kalendar of Indictments* gives no support to Harland's assertion (*Historical Account of Salley Abbey*, p. 48) that William Trafford was executed at Lancaster, 10 March, 1536-37, for his part in the Pilgrimage of Grace. Indeed, by referring to Henry Banaster and Richard Estgate as "late fellow-monk of Thomas, late Abbot of Salley Abbey," it throws doubt on the statement (repeated in *V.C.H. Yorkshire*, Vol. III, p. 157*b*) that William Trafford succeeded Thomas Bolton as Abbot in 1536, and as such took part in the Pilgrimage of Grace. If, however, it is true that William took any part in the Pilgrimage of Grace, and was put on trial for it, he would have been tried, not by the Earls of Sussex and Derby under their commission for Lancashire, but probably by the Duke of Norfolk under his commission for Yorkshire.

The Kalendar of Indictments.

The *Kalendar* itself is written by the same hand as that of the *Kalendar of Indictments* at the Assizes held at Lancaster in the fifth week of Lent, 32 Henry VIII. (*Indictments*, P.L., 26/296/4.) The abbreviations "po" and "sus" occur also in the *Kalendar of Indictments* at the Lancaster Assizes held in the fourth week of Lent, 34 Henry VIII. It is therefore a fair conclusion that our document was written by the Clerk of the Court at Lancaster, that he had it on the desk before him during the trial, and that he noted over the name of each defendant whether he were present, what was his plea, and what the verdict of the Court.

As the first week in Lent ran from the first Sunday in Lent (18 February, 1536-37), the date of the Whalley and Cartmell Assize was Friday, 9 March, 1536-37.

The ordinary spring Assizes were held on the Monday of the fourth week in Lent, 28 Henry VIII (i.e. Monday, 12 March, 1536-37) at Lancaster before Sir Anthony Fitzherbert and Sir John Porte (*Assize Rolls*, P.L., 25/13, 28 Henry VIII). The Roll contains no reference to the troubles at Whalley and Cartmell. But the date of these Assizes

may explain the haste with which¹ Paslew was executed on the day following his trial.

Reference. P.R.O. Indictments, P.L., 26/13/6.

Kalendarium indictamentorum apud Lanc. coram Edwardo Comite Derbi Roberto Comite Sussexie et aliis Comissariis Domini Regis ad auð et terminanð assignatis Die veneris in tercia septimana quadragesime Anno regni Regis Henrici Octavi Regis Anglie et Francie Domini Hibernie et in terra supremi capitis Anglicane Ecclesie Vicesimo Octauo.

¶ Ricardus Estgate nuper de Salley in Comitatu Ebor Clericus	}	Felonia et prodicione
¶ Henricus Banaster de eisdem villa et Comitatu Clericus ac nuper Comonachus Thome nuper Abbatis Abbatie de Salley		
¶ Johannes Abbas monasterij beate Marie virginis de Whalley in Comitatu Lanc	}	prodicione
¶ Idem Abbas		
¶ predictus Ricardus Estgate comonachus (<i>sic</i>) predicti nuper Abbatis de Salley	}	prodicione
¶ Henricus Banaster nuper de Salley in Comitatu Ebor Clericus ac nuper comonachus predicti nuper Abbatis de Salley		
¶ prefatus Abbas de Whalley		prodicione
¶ predicti Ricardus Estgate et Henricus Banaster ...		prodicione
¶ Johannes Estgate de Whalley predicta comonachus eiusdem Abbatis de Whalley	}	prodicione
¶ Willelmus Haydocke alius commonachus eiusdem Abbatis de Whalley predicta		
¶ prefatus Willelmus Haydocke		prodicione
¶ prefatus Abbas de Whalley	}	prodicione
¶ Johannes Estgate predictus		
¶ Willelmus Haydocke predictus		
¶ Idem Abbas de Whalley		prodicione

Rotulo secundo

- | | |
|---|--------------|
| ¶ Jacobus Eskryg nuper de Cartmell in Comitatu Lanc
Clericus ac nuper canonicus nuper prioris de Cartmell
predicta in eodem Comitatu ac nuper sub-prior
prioratus predicti | } prodicione |
| ¶ Johannes Rudley nuper de eadem in Comitatu predicto
Clericus ac nuper canonicus predicti nuper prioris
nuper de Cartmell predicta | |
| ¶ Thomas Bryggs nuper de eadem in eodem Comitatu
Clericus ac nuper canonicus predicti nuper prioris
nuper de Cartmell predicta | |
| ¶ Thomas person nuper de eadem in eodem Comitatu
Clericus ac nuper canonicus predicti nuper prioris
nuper de Cartmell predicta | |
| ¶ Augustinus Fell nuper de eadem in Comitatu predicto
Clericus ac nuper canonicus predicti nuper prioris
nuper de Cartmell predicta | |
| ¶ Willelmus Panoll nuper de eadem in Comitatu predicto
Clericus ac nuper canonicus predicti nuper prioris
nuper de Cartmell predicta | |
| ¶ Ricardus Bakhous nuper de eadem in Comitatu predicto
Clericus ac nuper canonicus predicti nuper prioris
nuper de Cartmell predicta | |
| ¶ Brianus Willen nuper de eadem in Comitatu predicto
Clericus ac nuper canonicus predicti nuper prioris
nuper de Cartmell predicta | |
| ¶ Johannes Cowper nuper de eadem in Comitatu predicto
Clericus ac nuper canonicus predicti nuper prioris
nuper de Cartmell predicta | |
| ¶ Robertus Dawson nuper de Cartmell in Comitatu Lanc
Husbondman | |
| ¶ Petrus Barwyk nuper de Cartmell in Comitatu Lanc
Husbondman | |
| ¶ Matheus Bateman nuper de Cartmell in Comitatu
predicto Husbondman | |

¶ Ricardus Gardener nuper de Cartmell in Comitatu predicto Husbondman	} prodicione
¶ Jacobus Carter de Cartmell in Comitatu predicto Husbondman	
¶ Johannes Blakhed nuper de Cartmell in Comitatu predicto Husbondman	
¶ Jacobus Stanes nuper de Cartmell in Comitatu predicto Husbondman	
¶ Ricardus Nuby nuper de Cartmell in Comitatu predicto Husbondman filius Jacobi Nuby	
¶ Johannes Byglond nuper de Cartmell in Comitatu predicto Husbondman	
¶ Johannes Brokbank Junior nuper de Cartmell in Comitatu predicto Husbondman	
¶ Willelmus Crossefeld nuper de Cartmell in Comitatu predicto Husbondman	
¶ Johannes Neylson nuper de Cartmell in Comitatu predicto Husbondman	
¶ Milo Deconson nuper de Cartmell in Comitatu predicto Husbondman	
¶ Willelmus Byrkhed nuper de Cartmell in Comitatu predicto Husbondman	
¶ Gilbertus Preston nuper de Cartmell in Comitatu predicto Husbondman	
¶ Johannes Deconson nuper de Cartmell in Comitatu predicto Husbondman	

Another piece of evidence which is contemporary for the Whalley trial is contained in *B.M. Cott. Vesp. D. XVII*. This chronicle was compiled by Thomas Talbot of Salesbury, a township in Blackburn parish, close to Whalley. Thomas, who was born at Salesbury, though mentioned by Anthony à Wood as "Limping Thomas," was probably not an Oxford graduate. He was an antiquary who was probably

¹ The dot which is placed over certain names appears to be the Clerk of the Court's mark to indicate that the persons named were present in court.

² po—i.e. ponit se super patriam. He pleads not guilty.

³ cogn—i.e. cognovit. He pleaded guilty.

⁴ E—i.e. Exoneratus. He was acquitted.

⁵ Sus—i.e. Suspensus. He was hanged.

(his father died in 1551) a contemporary and local witness to the events at Whalley, though his chronicle, which mentions a namesake of the Abbot's, John Paslaw, as "now living" in 1569 (fol. 41*b*), was carried on to later times.

His entries relating to the fall of Abbot Paslew are as follows (fol. 16) :—

1536. 6 Idibus Martii [i.e. Saturday, 10 March, 1536-37] obiit dominus Johannes Paslaw in theologia baccalarius 25 abbas et vltimus domus de Whalley. [*In marg.*] anno regiminis sue [*sic*].

4 Idibus Martii eodem anno [i.e. Monday, 12 March, 1536-37] suspensus fuit Willelmus Hado [*erased*] Haydocke monachus abbatie de Whalley. [*In marg.*] in campo vocato parvo Imps.

Ricardus Eastgate monachus de Sauley suspensus fuit apud [*sic*].

Talbot adds a few details about John Paslew's Abbacy which are of interest.

1507. 3 Idibus Julij [i.e. 13 July, 1507] obiit dominus Willelmus Rede abbas .24. de Whalley.

Die sancti Donati viz. 7 Idibus Augusti eodem anno [i.e. 7 August, 1507] sucepit [*sic*] in se Regimen domus de Whalley dominus Joannes Paslow et sic regnavit annos .29. et amplius.

Fol. 18. 1520. Nonas Maij [i.e. 7 May, 1520] obiit Edmundus Haward monachus de Whalley. Iste post mortem apparuit quadam nocte domino Joanni Paslaw eiusdem Monasterij Abbati et illi predixit, se .16. annos et non amplius vivere.

The result of the Abbot's attainder and conviction for high treason was that the entire possessions of Whalley Abbey were confiscated to the Crown, as is shown by the following extract from the Parliament Roll, 147 (28 April-28 June, 31 Henry VIII, 1539), No. 15 :—

"In most humble and obedient wise shewen to your most royall and Imperiall majestie your lordes and other your true lovinge and obedient subjectes the Comons in this your high Courte of Parliament assembled that where the naturall dutye and allegiaunce of ev'y of your true loving and obedient subjectes within this your Realme of England is to wishe will and desire the helth welth presperitie and mayntenance of your most royall estate premynence and dignitie Imperiall and above all erthly thinges to devise & study for tholl preservacon and intier conservacon of the same yet that notwithstanding Henry Courtney late lorde Marques of Exeter.....

.....

John Paslowe late Abbot of Whalley
 in the County of Lancaster.....
 Nicholas Tempest Esquier.....
 and divers other abhominable Traytors & Rebels with them confederate for their abhominable actes and treasons by them and everie

of them most cruelly falsely maliciously and trayterously comytted and done against your majestie and this your Realme were and be by the due course and order of the Comon lawes of this your Realme of Englande severally Indited convicted and attaynted of high Treason and have suffered execucon for the same accordinge to their demeret as by the severall recordes thereof more playnely appereth." . . .

And that they (with others) "for their saide severall cursed false & trayterouse actes and treasons shall stande and be atteynted and convicte of high treasons and shall lose & forfeyt unto your highnes and to your heires and successours all suche their manors lordshipps hundredes fraunchesies libertyes advousons nominacons presentations knightes fees landes tenements rents revercons services remaynders pencons porcons annuyties rightes possessions entries condicions and all other their hereditamentes of what name names nature or quality soever they be w^{ch} they or any of them or any other person or persons in their right or to their uses or in the right or to the use of any of them had or ought to have had of any estate of Inheritaunce in fee simple or fee Tayle at the daies of their severall treasons comytted lymitted and appoynted in their said severall Indictmentes or at any tyme after And shall also lose and forfeyt unto your highnes your heires and successours aswell all manner suche estate of freeholde and interest for yeres of landes tenementes rentes and all other their possessions as all other their goodes cattels and debtes w^{ch} they or any of them had at the said dayes of their severall treasons comytted lymitted And appoynted in the saide severall Indictmentes at any tyme after."

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Chetham Society :

ESTABLISHED M.DCCC.XLIII., FOR THE PUBLICATION OF
HISTORICAL AND LITERARY REMAINS CONNECTED WITH THE
PALATINE COUNTIES OF

Lancaster and Chester

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Rules of the Chetham Society

1. That the Society shall be limited to three hundred and fifty members.
2. That the Society shall consist of members being subscribers of one pound annually, such subscription to be paid in advance, on or before the day of general meeting in each year. The first general meeting to be held on the 23rd day of March, 1843, and the general meeting in each year afterwards on the first day of March, unless it fall on a Sunday, when some other day is to be named by the Council.
3. That the affairs of the Society be conducted by a Council, consisting of a permanent President and Vice-President, and twelve other members, including a Treasurer and Secretary, all of whom shall be elected, the first two at the general meeting next after a vacancy shall occur, and the twelve other members at the general meeting annually.
4. That the accounts of the receipts and expenditure of the Society be audited annually, by three auditors, to be elected at the general meeting; and that any member who shall be one year in arrear of his subscription shall no longer be considered as belonging to the Society.
5. That every member not in arrear of his annual subscription be entitled to a copy of each of the works published by the Society.
6. That twenty copies of each work shall be allowed to the editor of the same, in addition to the one to which he may be entitled as a member.

REPORT OF THE COUNCIL FOR THE EIGHTY-SEVENTH YEAR

(48th of the New Series)

Read at the Annual General Meeting held, by permission of the Feoffees, in the Audit Room of the Chetham Hospital, Manchester, on Monday the 30th of June, 1930.

At the last Annual Meeting of this Society, on the 24th of June, 1929, the Council were able to announce that our publications were up-to-date and that good progress had been made with the printing of *The Diary and Letter-Book of the Rev. Thomas Brockbank*—the volume for 1929-30. This volume was completed and issued to Members some weeks ago, and forms a valuable addition to the output of this Society. In it we have an intimate view of the life of a country parson in Lancashire, from his youth onward, at a somewhat difficult period. His career at Oxford, his travels, his courtships and his search for preferment, are carefully detailed; and, reading between the lines, we may form a fair estimate of the character of the Diarist and his friends. Our chief regret is that the correspondence should end in 1709, before the agents of the "Prince of Wales" made this county a centre for their activities. The task of editing this volume has been most ably carried out by Major Trappes-Lomax, to whose energy and scholarship the Society is much indebted.

It was intended to issue this Diary in two parts; for the cost is far in excess of a year's income from our present Membership. But the economies of past years, aided by the fact that the expense of two recent volumes has been shared by the Manchester University Press, left a Bank balance that enabled the Council to publish the whole work in one volume, in bulk almost double that to which we have grown accustomed.

For the current year, it is proposed to print the first part of the *Gawthorpe Charters*, kindly placed at the disposal of the Society by the Lord Shuttleworth: or, should it be found difficult to get these Charters ready in time, a substitute can be provided in *Chetham Miscellanies, Volume 5*, towards which some interesting matter is already in hand.

For subsequent volumes, the following are suggested for publication as funds permit:—

(i) *Chetham Miscellanies, New Series, Vol. 5*, to include:—

(a) *The Ewood Deeds*, edited by Mr. T. Woodcock.

(b) *The Indictment of Abbot Paslew and the Monks of Cartmel*, by Canon J. E. W. Wallis.

(c) *The Hundred of Leyland*, by the Rev. T. C. Porteus.

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- (2) *Liber Loci Benedicti de Whalley*.
- (3) *Salford Port Mote Rolls*, edited by Professor Tait.
- (4) *Instructions to the Steward of the Honour of Clitheroe*, 1662, edited by Mr. W. Self Weeks, F.S.A.
- (5) *Annales Cestrenses (Litchfield MSS.)*.
- (6) *Charters of Lytham Priory*.
- (7) *The Diary and Account Book of Ambrose Barcroft of Noyna*, 1680-95.
- (8) *Lancashire Bills in Eyre*.

During the past year, one Member (Captain G. E. Petre) has resigned, and two (Professor T. F. Tout and Mr. S. Davies) have been removed by death. The loss of Professor Tout will be deeply felt throughout the field of historical research in which he was so eminent a worker. He had been a Member of this Council since 1906, and took a keen interest in the Society's work. To make good these losses, three new Members have been enrolled—the Rev. A. V. Atkinson, Dr. John D'Ewart and Mr. W. F. Higgins—and the Membership at the end of the year remains 71. Three Libraries are added to the list of subscribers—the Huddersfield Public Library and the Universities of New York and Minnesota—bringing the number up to 114.

Yet once again the Council would urge the need for an increase of Membership if any progress is to be made in the publication of the mass of records and literary remains as yet inaccessible to the student. The list of work done by this Society shows how varied are the subjects of which our volumes treat, forming a series of which we may well be proud. Yet the output would be greater and the task more easy did this Society receive adequate support from the two counties whose literary remains it is striving to preserve in print.

STATEMENT OF ACCOUNTS FOR ITS EIGHTY-SEVENTH YEAR ENDED 28TH FEBRUARY, 1930.

INCOME.

To Balance from last year . . .	£225	19	8	
„ Subscriptions received :—				
Year No. 86 1928-29	£8	0	0	
„ 87 1929-30	161	1	0	
„ 88 1930-31	25	1	0	
„ 89 1931-32	1	0	0	
		195	2	0
„ Dividends and Interest :—				
5 per cent. War Stock	25	0	0	
L.M. & S. Rly. Co.	4	16	0	
Bank Interest . . .	5	1	5	
		34	17	5
„ Books Sold		9	10	9
	<u>£465</u>	<u>9</u>	<u>10</u>	

EXPENDITURE.

By Printing and Binding of 250 copies of Vol. 88, <i>Medieval Cheshire and Reports.</i> . . .	£124	7	6	
„ Printing and Stationery . . .	0	6	0	
„ Postage and Carriage :—				
Volume 88 . . .	£6	19	10	
Per Hon. Secretary . . .	0	14	2	
„ Hon. Treasurer . . .	0	17	6	
„ Bank . . .	0	6	3	
		8	17	9
„ Fire Insurance		0	4	0
„ Balance at Bank, 28th Feb- ruary, 1930	331	14	7	
	<u>£465</u>	<u>9</u>	<u>10</u>	

Number of Members on Register, 28th February, 1930.

Individuals	71
Libraries	112
„ Free	2
	<u>185</u>
Subscriptions in arrears	None
Subscriptions paid in advance :—	
Individuals for year No. 88	4
Libraries „ „ 88	21
„ „ „ 89	1
	<u>26</u>

Assets.

5 per cent. War Stock (cost £504 gs. 1d. £500 0 0 £150 L.M. & S. Rly. 4 per cent. Pref. Stock at cost	120	0	0
Balance at Bank	331	14	7
	<u>£951</u>	<u>14</u>	<u>7</u>

Increase from last year, £105 14s. 11d.

Examined and found correct, (Signed) JOSHUA BURY,
Chartered Surveyor,
4th March, 1930.

Chetham Society

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MARCH, 1931

- Ascroft, W. F., Ivy House, Preston.
Assheton, Ralph Cockayne, Downham Hall,
near Clitheroe.
Atkinson, Rev. A. V., St. Luke's Vicarage, Tran-
mere, Birkenhead.
Axon, Ernest, 1 Belvedere Terrace, Buxton.
- Bellot, H. Hale, 9 Well Walk, London, N.W. 3.
Booth, F. H. A., Sydenhurst, Chiddingfold,
Surrey.
Booth, Wm. H., Elm Tree Cottage, Booth's
Corner, Over, Winsford, Cheshire.
Boughey, Frank M., Hotel Windermere, East
56th Street, Chicago, Ill., U.S.A.
Brierley, Henry, 6 Kilnet Deyne, Rochdale.
Brooks, Samuel H., Bank House, Oak Drive,
Fallowfield, Manchester.
Broxap, Ernest, Gansey, Chiltern Drive, Hale,
Hon. Secretary.
Bury, Joshua, 7 Brazennoze Street, Manchester.
Butcher, Samuel F., 4 Bank Street, Bury.
- Crankshaw, W. P., 189 Bury Road, Bolton.
- Daniels, Professor G. W., The University,
Manchester, *Vice-President.*
Daresbury, Rt. Hon. Lord, Walton Hall, War-
rington.
D'Ewart, Dr. John, Silverburn, Charlestown
Road, Blackley, Manchester.
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Prescot.
Dootson, Thomas R., Parkfield, Leigh, Lancs.
- Eva, Herbert, Mosley Press, Pollard Street,
Ancoats, Manchester.
- Fiddes, Professor Edward, 173 Wilmslow Road,
Withington.
- Galbraith, V. H., 1 Garford Road, Oxford.
- Hadfield, B., Heorot, Lower Bredbury, Stock-
port.
Harding, George, 64 Great Russell Street,
London, W.C. 1.
Haworth, A., Ravelstone, Manley-by-Helsby
nr. Warrington.
Henderson, Rev. R. M., Cowlodge Hall, Gos-
forth, Northumberland.
Hewitt, H. J., County School, Saltash, Cornwall.
Higgins, W. F., Woburn Lodge, Broughton Park,
Manchester.
Houghton, A. T., Winckley Street, Preston.
Howcroft, A. J., 45 Priory Buildings, Union
Street, Oldham.
Hudleston, Rear-Admiral R., Hutton John,
Penrith, Cumberland.
Hudson, Rev. H. A., 19 Adelaide Road,
Leamington Spa.
Hughes, T. Cann, Oakrigg, Scotforth, Lancaster.
- Irvine W. Fergusson, Brynllwyn, Corwen, North
Wales.
- Johnson, H., Garston House, Bramhall, Cheshire.
- Kennedy, Major M. S. Nigel, Stone Cross,
Ulverston.
- Kenyon, Lady, Gredington, Whitchurch, Salop.
- Leech, Dr. E. Bosdin, St. John Street, Man-
chester.

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| Mainwaring, Sir Harry, Bart., 10 Granville Place, London, W. 1. | Stewart-Brown, R. Bryn-y-Grog Hall, near Wrexham. |
| Mawdsley, R. Hargreaves, 80 Pembroke Road, Clifton, Bristol. | Sweet & Maxwell, Ltd., 3 Chancery Lane, London, W.C. 2. |
| McNulty, J., 7 Buccleuch Avenue, Clitheroe. | |
| Neale, Professor J. E., University College, Gower Street, London, W.C. 1. | Tait, Professor James, Brookdale, Hawthorne Lane, Wilmslow, Cheshire. |
| Ormerod, William, The Crossways, Leeds Road, Harrogate. | Thornber, J., The Knoll, Eastham Street, Clitheroe. |
| Parker, Colonel John, Browsholme Hall, near Clitheroe, <i>President</i> . | Tonge, W. Asheton, The Old Rectory, Warburton, Cheshire. |
| Parker, Lieutenant R. G., Browsholme Hall, near Clitheroe. | Toulmin, G., & Sons, 127 Fishergate, Preston. |
| Peel, Robert, Knowlmere Manor, near Clitheroe. | Trappes-Lomax, Major R., Allsprings, Great Harwood, by Blackburn. |
| Powicke, Professor F. M., Oriel College, Oxford. | Tupling, G. H., 16 Alexandra Terrace, Haslingden, Lancs. |
| Redford, A., The University, Manchester. | |
| Royden, E. B., Bidston Court, Birkenhead. | Wadsworth, A. P., 15 Brook Road, Fallowfield, Manchester. |
| Sharp, Mrs. W. D., 59 South Way, London, N.W. 11. | Walmsley, James, New Hall, Waddington, by Clitheroe. |
| Shuttleworth, Right Hon. Lord, Gawthorpe Hall, Padiham. | Wearing, J. W., Parkfield, Lancaster. |
| Simpson, Colonel Stephen, Bowerswood, near Garstang, Lancs. | Weeks, W. Self, Westwood House, Clitheroe. |
| Sowerbutts, T. W., 16 St. Mary's Parsonage, Manchester, <i>Hon. Treasurer</i> . | Wood, G. H., The Manor House, Little Longstone, Derbyshire. |
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| Starkie, Major E. A. Le Gendre, Huntroyde, Padiham. | Woodcock, Thomas, Newfield, Haslingden, Lancs. |
| | Worsley-Taylor, F. E., Newton Hall, Newton-in-Bowland, Clitheroe. |

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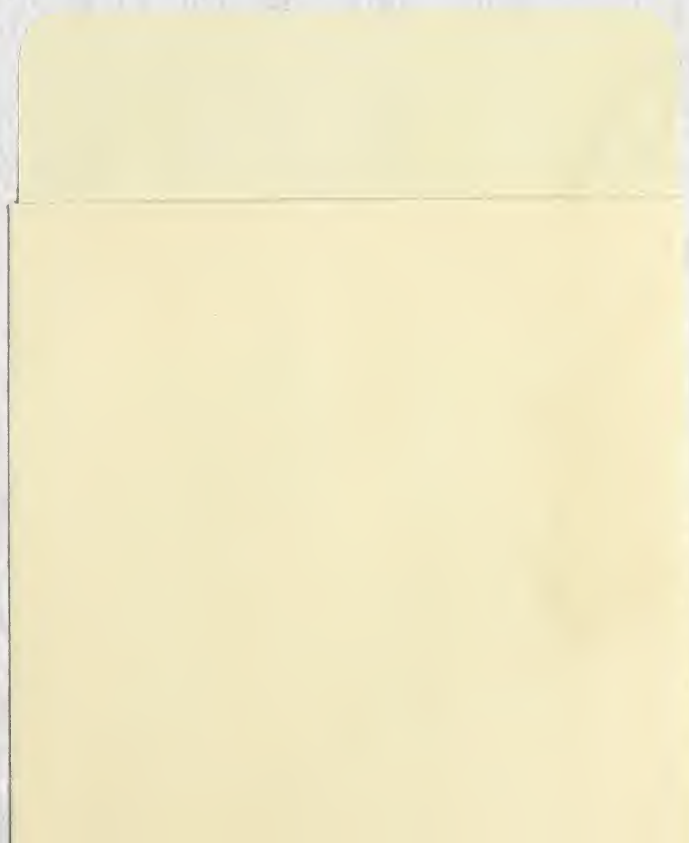
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